

**LOUISVILLE METRO COUNCIL MEETING
REGULAR MEETING
MAY 14, 2009
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President Tandy called the **May 14, 2009** Regular Meeting of the Louisville Metro Council to order at 6:00 PM. He asked all to rise and join in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
PRESIDENT DAVID TANDY: PRESENT
CHERI BRYANT HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT
JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JON ACKERSON: PRESENT
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT
BRENT ACKERSON: PRESENT

CLERK: There are 26 members present establishing a quorum.

PRESIDENT TANDY: Thank you, Madam Clerk.

CLERK: So noted.

INTRODUCTION OF PAGES:

PRESIDENT TANDY: The next item of business is introduction of our page, Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President my page is Kenzie Lorenzen.
Please stand up so say a couple of nice things about you.

She is our page from District 16 you have been here with me for six years those of you this is my first page and I

thought it was the right reason to do it now. She attends Louisville classic academy where she's learning Greek and Latin and also an athlete being volleyball and La Crosse player with soccer also that's not the reason she's here. It's because last December I read an article about a very special young lady and was touched by the compassion of this 13 year old.

She learned that there was a need for both books and blood when she spent time with a friend of hers, Michaela Ansert who passed away of a brain tumor at the age of 7.

To honor Michaela Kenzie collected pints of blood many of them and got over 700 books for Kosair. Her parents are here tonight Mike and Kelly. Kenzie I supplied you with the proclamation at your desk. You are the kind of person that makes me very proud. Thank you.

PRESIDENT TANDY: Thank you Councilman Downard and Kenzie glad to have you here.

Next, we have a page from Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President.

I would like to recognize our District 22 page this evening as Taylor Barnett.

Taylor if you could stand please. He's a 12 year old sixth grade student at new Ramsey Middle School and lives in Fern Creek. He plays trombone and is in the student technology leadership and advance program. He currently holds two positions in his scout troop, chaplain's aid and assistant patrol leader as well as being a den chief for younger brother' cub scout troop. His other interests are baseball, reading science fiction, camping and traveling. He hopes to work in aviation in some shape or form some day.

Taylor is the son of Luke and Tammy Barnett.

And Luke is with us in the audience.

And as I mentioned, he's in a Boy Scout troop and I would like to recognize Troop 56.

That are in our audience tonight.

And if they could stand, please, along with Taylor's father, James Peyton raise your hand, please, Joshua Ohlman, Michael Ohlman, Jared Hutchins and Michael Witten.

The adult scout troop leaders are Luke Barnett and Damon Ohlman and they are attending the meeting to earn their citizenship badge. Please join me in welcoming Taylor Barnett and Boy Scout troop 56 members.

Thank you.

INTRODUCTION OF GUESTS:

PRESIDENT TANDY:

Next we have guests. Councilwoman Welch do you have any guests?

COUNCILWOMAN WELCH: I do. This is a great night for District 13. Tonight I have Stanley Gaus of 9716 Keith Berry Road in southwest Jefferson County who has been selected by the Jefferson County soil and water conservation District as the recipient of the 2009 Master Conservationist Award.

Nationwide less than 2% of those individuals engaged in production of agriculture accomplished the task of becoming a master conservationist. So how lucky are we to have him right here in District 13 when only 2% of those people become the master conservationist. Mr. Gaus owns and operates a 29 acre beef cattle farm where he produces hay and forages to sustain his cow half herd over the years he's managed property in an effort to reduce soil erosion and improve water quality by employing a rotational grazing system, installing a live stock watering system to more efficiently manage pastures and converting sparsely covered pastures to adaptable grass lagoon mixtures. I don't understand at all what any of that is but I understand it must be fantastic.

The master conservationist award recognizes that a land owner has addressed over 90% of the needed natural resource concerns on the property under their control and they have done this in a manner that exceeds the normal expectation.

Mr. Gaus is recognized by the conservation District with the framed certificate signed by the Governor.

And I have that here to present to him. I'm so proud to do that tonight. It's signed by the Governor,

The secretary of the natural resources cabinet, the Chairman of the Kentucky conservation commission and the chair of the Jefferson County soil and water conservation District Board.

So first of all, you get this. Okay. Let me read this.

It says that

Stanley Gaus has been designated as a master conservationist in recognition of the love he has shown for the land by using it properly and establishing the necessary conservation practices for maintaining the fertility and increasing the productivity of his farm. These practices keep the fertile top soil from washing away the living waters from drying up, the woods from desolation, the pastures from being destroyed and provide a haven for wildlife. He has proved himself to be a good steward -- by preserving his farm for generations to come. It's in recognition of an important task well performed that he and his family are awarded this testimonial of honor.

Given in Jefferson County and this was on the 26th day of March of '09.

And we're just so proud that you're here tonight.
And there's one of the things that you get.
The other thing that he gets, he gets this sign to put on his gate.
Isn't that great. Isn't that wonderful?

COUNCILWOMAN WELCH: And this may seem small next to all those wonderful things but I too wanted to give him a proclamation from the *Louisville Metro Council to all whom these letters come greetings know ye the Louisville Metro Council here by honors and recognizes Mr. Stanley Gaus for being selected by the Jefferson County soil and water conservation District. We here by confer this honor with all of the rights privileges and responsibilities thereunto appertaining. In recognition of outstanding achievement and dedication in being named the 2009 master conservationist. For being a good steward of the land. In testimony whereof we have caused these letters to be made and the seal of the Louisville metro Government to be affixed done this 14th day of May 2009 and signed by me your councilwoman.*
Thank you so much.

COUNCILWOMAN WELCH: Can you get them all in there, Tony?
This is quite a day. Thank you. Thank you all so much for doing that.
Would you like me to go on with my next group?
PRESIDENT TANDY: Please.

COUNCILWOMAN WELCH: I also have another group of guests if you all would like to come up behind me, the team and the coaches.
This group of really smart kids are from Auburndale Elementary School which is on Newcut Road in District 13. In 2008 and 2009 the Auburndale Academic Team was reestablished after several years of inactivity. Designed for elementary schools the mayor's cup academic competition highlights the academic talents of students all across Jefferson County and includes such disciplines as problem solving, quick recall, written assignments, science, language arts, social studies, fine arts and humanities and English composition. I'm proud to announce and introduce tonight these Auburndale Elementary students the academic team, which finished first in quick recall and second place overall.
I think that's fabulous. If you all could give them a round of applause.

I especially would like to thank their coaches, Stephanie Lay and Vanessa Moore is she here?
She couldn't be here the assistant coach Vanessa Moore couldn't be here. I have a proclamation for the coach

Louisville Metro Council to all whom these letters shall come we here by honors and recognizes Stephanie Lay as the coach of the Auburndale Elementary Academic Team we here by confer this honor with all of the rights privileges and responsibilities thereunto appertaining in recognition of outstanding achievement and dedication in being named second place overall first place quick recall. Having received these scores at the mayor's cup academic competition. In testimony whereof we have caused these letters to be made in the seal of the Louisville Metro Government to be hereunto affixed done in the Commonwealth of Kentucky this 14th day of May 2009 and signed by me your councilwoman.

Can you get all of them in, Tony.
And I also have a proclamation for each of you.
So as your name is called . . .
Helen Greenwell.
Tylre Duncan.
Scott Bui.

Is that correct?
Did I say that right.
Thank you.
Alexis -- oh, she's not here.
Alexis Brocato.
Isaiah Baker.
Cole Blythe
That's you.
Alexandria Weaver.
And those are glass so be very careful.
Hans Pham
Haley Martinez.
Elise Grisham.
And Caitlin Jefferson.
Is that everyone?
Okay. Very good.
If we could give them another round of applause.

COUNCILWOMAN WELCH: I would like to thank the parents, too I know as a parent myself of kids who were very involved it takes a lot of time and -- to do these things with your kids and I think it's just great that you all are here tonight.
Thank you.

PRESIDENT TANDY: All right, thank you Councilwoman Welch.
I was going to pose a question but you know time is short. All right. Next we have guests from Councilwoman Green.

COUNCILWOMAN GREEN: Thank you, President Tandy.
You know it does my heart so good when I can introduce to my colleagues on the Council and to this city of Louisville to Metro Louisville boys and girls in my District both in west Louisville and south end of District 1 to you all. I love to show off the wonderful things that the kids in my District are doing.
We hear so much about the bad things that the kids are doing, particularly boys.
So I'm here tonight to introduce you all to a set of boys that are not only champions in athletics but they are champions in the classroom and they are champions in their community.
So right now I would like to call up the Steven Foster Academy basketball championship team.

Are they here? Don't they look really nice in their championship jackets?
Back in March of this year, this team had the opportunity to play in a championship team called the West Louisville elementary school basketball league.
They played a total number of ten basketball games. There were 17 in this league.
Now, out of ten games, this particular team won nine of their games. So their record is 9-1.
That's pretty good for a basketball team. And again, I wanted to bring them here tonight to recognize them.
And to honor them with a proclamation.
Letting them know that we here at the Council are proud of them.
The Mayor is proud of them.
And their parents are proud of them as well as their coaches and school officials.
Tonight, I want to read off the names of the boys that are here tonight.
And I want to present them with a proclamation.
I want to commend first the wonderful coaches, the men that took their time after school every day to stay and help practice with these boys so they could become the champions that they are.
We have with us tonight head coach, Mr. Wallace Gardener
and his assistant coach is Mr. Al Smith.
Thank you, men.
Because it truly does take an entire village to raise a child and you all have done a Yeoman's job in helping to shape the future of these young men.
First I would like to read this proclamation.
I will read one and it will apply to all of the names.

To all whom these letters shall come.

Greetings.

Know ye that the Louisville Metro government legislative Council here by honors and salutes the name on this certificate is Aniya Griffith team player of the Steven Foster Traditional Academy and the 2009 West Louisville elementary school basketball champs.

We here by confer this honor with all of the rights, privileges and responsibilities there unto appertaining in testimony whereof we have caused these letters to be made in the seal of the Louisville Metro Government to be hereunto affixed.

Done in Louisville this 14th day of May 2009 David W Tandy Louisville Metro Council President, Dr. Judith Green first District Councilwoman

and I'm going to read the names of all of the young men that participated.
As I said first is Aniya Griffin.

Aris Morris

Charles Wilson

Cory Ater

Damon Harris

Dontre Allen

DuJuan Goodman

Garren Knox

Tonysha Curry

Jordan Ater

Kereion Douglas

Logan Calvert

Marcus Clark

Omarerrick Douglas

Stephen Coleman

And the manager who is a very important part of this team, Mr. Luke Kirk who is the manager.

Thank you, Luke. And again head coach Wallace Garner, assistant coach, Al Smith.

And I would like for the family resource center director, Mr. Hubert Hagen, to please stand.

He's also an integral part of making this school a success.

And last but not least one of the greatest principals this side of heaven. She's a great woman.

She's done so much to bring this school along. Is she here, Ms. Susan Quinlin.

Principal. Please stand up, Ms. Quinlin.

I would like for all of the parents and grandparents of these young men to please stand and family members.

Again young men I want you all to know that this is only the beginning of your life.

And always keep in mind that strive not only to be champions on the basketball court but to be a champion in your community, in your school, in your homes even with your parents and you will go far in life.

Thank you all so much for coming down. And I appreciate it.

Oh, and I've just been presented with a picture of the basketball team.

Thank you, guys. I appreciate it.

PRESIDENT TANDY: Thank you, Councilwoman Green.

Finally it's with regard to our guests, I have one guest to present to the Council and to the community.

Mr. Tre'Tez Kinnaird, could you stand up, please?

All right.

Come on up here.

I'm going to sit here.

And do this.

But you stand at that podium where Councilwoman Green was so everybody can get a good look at you.

All right? Yeah, I like -- the suit is clean.

I like that.

Well, Tre'Tez Kinnaird is an eighth grader at Johnson Traditional Middle School. Last November he won the Kentucky cross-country championships in the 4 K event and then finished third of the national AAU national

championships on December 6th.

This spring he captured the state championship in track and field in the 1600 meter and the 800 meter events. setting a new state record in the 800 meter.

He's truly blessed with natural talent and has developed a good and hard work ethic. his mother and the rest of his family and friends have offered a strong support system and his coach at Johnson Middle School, Kenny James, has said -- says that he has unlimited potential.

Tre also runs for the Derby City athletic club the Villages of Louisville track club and enjoys watching wrestling and basketball on television. he enjoys bowling but his first love is running where his mother often follows him in the car at night because she doesn't like for him to run in the dark.

Tre, we're proud of you. We're proud of your accomplishments on the track and field and in the cross-country.

We look forward to seeing you, continue to strive at that high level of excellence that you've demonstrated in your athletic endeavors not only throughout high school but on into college and hopefully we'll see you competing in the Olympics some day.

We wanted to take this opportunity as Councilwoman Green mentioned we encourage all of our young champions to not only be champions in the athletic field or in the classroom but also to take that championship spirit with you throughout your life and into your community and with your families. so with that, Tre'Tez we wanted to present to you this proclamation which names you as -- recognizes you as an ambassador of goodwill in addition to that I want to present to you a key to the city from Mayor Abramson.

So if you come up here we'll give this to you. All right?

COUNCILMAN KRAMER: Point of personal privilege, Mr. President

PRESIDENT TANDY: Yes.

COUNCILMAN KRAMER: Point of personal privilege Tre Tez before you get too far away, I really appreciate what you had said. To many being the state record holder in the 800 would just be numbers.

But to some of us who actually ran track in high school and actually that was my event I'm curious exactly what the state record in the 800 is today if you don't mind sharing. I don't mean to embarrass you but it's impressive you can run that distance.

PRESIDENT TANDY: Come up to the microphone.

COUNCILMAN KRAMER: And I may be a little bias president but the 800 is the most difficult race in track.

PRESIDENT TANDY: It's true. Go ahead.

TRE'TEZ KINNAIRD The record was 2:06.

PRESIDENT TANDY: What is it now.

TRE'TEZ KINNAIRD 2:06.33.

PRESIDENT TANDY: So that's your record 2.06.3

TRE'TEZ KINNAIRD 2 minutes 6 seconds point 3.

COUNCILMAN KRAMER: That's great.

Congratulations.

PRESIDENT TANDY: Councilman Kramer we will not ask.

COUNCILMAN KRAMER: Please don't.

PRESIDENT TANDY: We'll save that discussion for another time. Next we have -- let me do this as well.

As people leave, I know some folks have to leave or some of our guests have to leave as we go on throughout the course of the rest of our business.

If you do have to leave, we ask that you would do so quietly so as you won't disturb the discussion that's taking place up here and in addition we recognize there's some people who are watching in the overflow area as seats are made available they are more than welcome to come in and join us inside the chambers but if you do so we ask that you also enter the chamber in a quiet and respectful manner, as well.

All right?

And now we'll recognize Councilman Stuckel.

COUNCILMAN STUCKEL: Yes, President Tandy and fellow Council members I have some guests here.

They are scouts from scout troop 308 and that's from Mother Good Counsel Church in my area. They are very active in the area and they always help me with my cleanups that kind of thing but I'm especially proud they are here tonight to watch the Council in action and they are working on their civics merit badge they probably couldn't have come on a better night but I have to warn you they have to be home by midnight.

So would you all stand up? We'll just give you a hand. Okay.

PRESIDENT TANDY: Thank you.
We're glad to have you.

ADDRESSES TO COUNCIL:

PRESIDENT TANDY: The next item of business is our addresses to the Council. Madam Clerk, are there any addresses to the Council?

CLERK: Yes .

***Connie Marshall - Cover-up and conspiracy
Elizabeth Elliott - Cover-up
C.L. Edward - The Railroad
Lawrence Winburn - Labor Standards Ordinance – In favor
Frank McAfee - Labor Standards Ordinance – In favor
Roy West - Labor Standards Ordinance – In favor
Billy Parson - Labor Standards Ordinance – Against
Lisa Cates - Labor Standards Ordinance – Against
James White Sr - Labor Standards Ordinance – Against
Sara McReynolds - After School Programming***

PRESIDENT TANDY: Thank you, Madam Clerk.

APPROVAL OF COUNCIL MINUTES:

PRESIDENT TANDY: Our next item of business is the approval the Council Minutes for the regular meeting of April 23, 2009. Are there corrections or deletions?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN DOWNARD: Second.

PRESIDENT TANDY: Properly moved and seconded.

All in favor say aye.

ALL PRESENT: AYE

Opposed?

The ayes have it.

The minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT TANDY: The next item is approval of the following committee minutes.

Regular: Appropriations, NDFs and CIFs – May 7, 2009

Regular: Budget – May 6, 2009

Regular: Committee of the Whole-April 23, 2009

Regular: Contracts & Appointments – May 6, 2009

Regular: Health & Human Needs – May 6, 2009

Regular: Labor & Economic Development – May 7, 2009

Regular: Government Accountability and Oversight – April 22, 2009

Regular: Parks, Libraries, and Arts – May 5, 2009

Regular: Planning/Zoning, Land Design and Development – May 5, 2009

Regular: Public Safety – May 5, 2009

Regular: Transportation/Public Works – May 7, 2009

PRESIDENT TANDY: Are there any corrections or deletions?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN HAMILTON: Second.

PRESIDENT TANDY: Properly moved and second.

All in favor say aye.

ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The ayes have it.

The minutes are approved as written.

COMMUNICATIONS FROM THE MAYOR:

PRESIDENT TANDY: Next we have item of business is communications from the Mayor Madam Clerk are there any communications from the Mayor.

THE CLERK: Yes, sir. There are four of them.

May 14, 2009

President David Tandy
Louisville Metro Council

Ms. Kathy Herron, Clerk
Louisville Metro Council

Re: Call of a Special Meeting of the Louisville Metro Council

Dear President Tandy and Ms. Herron:

Pursuant to KRS 67C.103 (9), 67C.105 (5) and Section 3.07 of the Rules of the Louisville Metro Council, I am hereby giving notice and calling a **SPECIAL MEETING** of the Louisville Metro Council for Thursday, May 28, 2009 at 4:00 PM EST in the Metro Council Chambers of City Hall. The purpose of the meeting is to present the Louisville Metro Government Operating and Capital Budgets for Fiscal Year 2009-2010.

Sincerely,

Jerry E. Abramson
Mayor

cc: Metro Council Members

May 11, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Human Relations Commission Enforcement Board Ordinance, I am appointing Joan Stringer to the **Human Relations Commission Enforcement Board**. This term shall expire on September 30, 2011.

Your prompt action on this appointment is most appreciated.

Sincerely,

Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

May 11, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Human Relations Commission Advocacy Board Ordinance, I am appointing the following to the **Human Relations Commission Advocacy Board**.

| <u>Name</u> | | <u>Term</u> |
|----------------------|-----------------|--------------------|
| Ira Grupper | New Appointment | September 30, 2010 |
| Rashaad Abdur-Rahman | Re-appointment | September 30, 2011 |
| Karla Burton | Re-appointment | September 30, 2011 |

Your prompt action on these appointments is most appreciated.

Sincerely,

Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

May 11, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Air Pollution Control Board Ordinance, I am appointing the following to the **Air Pollution Control Board**.

| Name | | Term |
|----------------------|----------------|-------------------|
| Barbara Sexton-Smith | Re-appointment | December 31, 2011 |
| Dr. Robert Powell | Re-appointment | June 30, 2012 |
| Ronald Thomas | Re-appointment | June 30, 2012 |

Your prompt action on these appointments is most appreciated.

Sincerely,

Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

May 11, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Building Code Appeals Board Ordinance, I am appointing the following to the **Building Code Appeals Board**.

| <u>Name</u> | <u>Term</u> |
|------------------------|---------------------|
| Carey L. Anderson, Jr. | New Appointment n/a |
| Alvin J. Cox | New Appointment n/a |
| John Heller | New Appointment n/a |
| Clyde J. Warner | New Appointment n/a |
| Carl J. Slesser | New Appointment n/a |
| Donald J. Greulich | New Appointment n/a |
| Osman H. Senler | New Appointment n/a |

Your prompt action on these appointments is most appreciated.

Sincerely,

Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

May 11, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Volunteer Fire Districts Ordinance, I am re-appointing

Mr. Newman T. Guthrie to the Anchorage Fire Protection District Board.
Mr. Gerald L. Strange, Sr. to the Buechel Fire Protection District Board.
Ms. Gloria Moorman to the Camp Taylor Fire Protection District Board.
Mr. Keith W. Beisler to the Dixie Suburban Fire Protection District Board.
Mr. Dennis Carrithers to the Eastwood Fire Protection District Board.
Mr. Theodore K. Longacre to the Fairdale Fire Protection District Board.
Mr. Marty Cherol to the Fern Creek Fire Protection District Board.
Ms. Jean W. Frazier to the Harrods Creek Fire Protection District Board.
Mr. W.D. "Junior" Craig to the Highview Fire Protection District Board.
Ms. Elaina Fischer to the Jeffersontown Fire Protection District Board.

Mr. Robert Beam to the Lake Dreamland Fire Protection District Board.
Ms. Sheryl K. Smith to the Lyndon Fire Protection District Board.
Mr. Raymond L. Riggs to the McMahon Fire Protection District Board.
Mr. Ron Wolf to the Middletown Fire Protection District Board.
Mr. Michael D. Portman to the Okolona Fire Protection District Board.
Mr. William G. Hibdon to the Pleasure Ridge Park Fire Protection District Board.
Ms. Faye Ellerkamp to the St. Matthews Fire Protection District Board.

They will fill the position of Mayor's Appointee. These appointments will expire on June 30, 2012.

Your prompt action on this appointment is most appreciated.

Sincerely,

Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

Cc: Councilwoman Vicki Welch enclosures
e-copy to MCC

PRESIDENT TANDY: Thank you, Madam Clerk these items will be referred to the contracts and appointments committee for further consideration.

CONSENT CALENDAR:

PRESIDENT TANDY: The next item on our agenda is the content calendar. The Consent Calendar consists of items 14 through 31. Are there any additions or deletions? Councilwoman Green.

COUNCILWOMAN GREEN: I would like to delete Item 29? Move it to Old Business.
And move it old business.
I'm sorry.

PRESIDENT TANDY: All right.

Are there any other --

PRESIDENT TANDY: That's all right. Any others?

Seeing none the consent calendar will now consist of Items 14 through 28 and Items 30 through 31.
Madam Clerk a reading of these items.

Hearing none, Madam Clerk, a second reading of these items.

14- O-69-04-09 AN ORDINANCE CLOSING AN UNNAMED 5-FOOT-WIDE ALLEY FROM ITS WESTERN INTERSECTION WITH CLAY STREET APPROXIMATELY 238 FEET SOUTH OF E. MUHAMMAD ALI BOULEVARD, RUNNING WEST 108 FEET, THEN TURNING NORTH FOR APPROXIMATELY 25 FEET AND CONTAINING 650 SQUARE FEET, AND CLOSING A 60-FOOT-WIDE SECTION OF MADISON STREET FROM ITS WESTERN INTERSECTION WITH CLAY STREET, LOCATED APPROXIMATELY 518 FEET NORTH OF CHESTNUT STREET, AND RUNNING 132.5 FEET WEST, CONTAINING 0.18 ACRES, BOTH OF WHICH BEING IN LOUISVILLE METRO (CASE NO. 10857). (10-16-09)

Status: On Council Agenda - Consent Calendar

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

15- O-58-04-09 AN ORDINANCE AMENDING SECTION 32.371 OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES [LMCO] RELATING TO THE LOUISVILLE FREE PUBLIC LIBRARY MASTER PLAN

Status: On Council Agenda - Consent Calendar

Committee: Parks, Libraries & Arts

Primary Sponsor: Vicki Aubrey Welch

16- R-68-04-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF A BOAT FROM LARRY B. FRANKLIN VALUED AT APPROXIMATELY \$80,000 TO BE USED EXCLUSIVELY BY THE LOUISVILLE METRO POLICE DEPARTMENT.

Status: On Council Agenda - Consent Calendar

Committee: Public Safety

Primary Sponsor: David Tandy

17- R-70-04-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A STATE GRANT FROM THE OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$193,030.00 THROUGH THE CRIMINAL JUSTICE COMMISSION FOR IMPROVEMENTS IN ORDER TO PROTECT AND SECURE CRITICAL INFRASTRUCTURE.

Status: On Council Agenda - Consent Calendar

Committee: Public Safety

Primary Sponsor: David Tandy

18- O-65-04-09 AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) CHAPTER 115 "REGULATIONS GOVERNING SPECIFIC BUSINESSES" RELATING TO VENDORS, PEDDLERS AND SOLICITORS.

Status: On Council Agenda - Consent Calendar

Committee: Public Safety

| | |
|----------------------------|--------------------|
| Primary Sponsor: | Madonna Flood |
| Additional Sponsor: | Glen Stuckel |
| Additional Sponsor: | James Peden |
| Additional Sponsor: | Kelly Downard |
| Additional Sponsor: | Mary C. Woolridge |
| Additional Sponsor: | Rick Blackwell |
| Additional Sponsor: | Robert Henderson |
| Additional Sponsor: | Vicki Aubrey Welch |

19- RP050609 RE-APPOINTMENT OF JEFFREY S. SULLIVAN TO THE REGIONAL AIRPORT AUTHORITY BOARD (LOUISVILLE & JEFFERSON COUNTY AIR BOARD), TERM EXPIRES ON JULY 15, 2013.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

20- AP050609 APPOINTMENT OF NEIL MACDONALD TO THE ANCHORAGE FIRE PROTECTION DISTRICT BOARD, TERM EXPIRES JUNE 30, 2010.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

21- AP050609 APPOINTMENT OF DONNA K. GISSEN TO THE DOWNTOWN MANAGEMENT DISTRICT, LOUISVILLE, TERM EXPIRES ON JANUARY 31, 2011.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

22- AP050609 APPOINTMENT OF SYLVESTER GUZMAN TO THE CITIZENS COMMISSION ON POLICE ACCOUNTABILITY FOR LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, TERM EXPIRES MARCH 27, 2013.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

23- RP050609 RE-APPOINTMENT OF MARSHALL GAZAWAY TO THE CITIZENS COMMISSION ON POLICE ACCOUNTABILITY FOR LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, TERM EXPIRES MARCH 27, 2013.

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

24- R-66-04-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF WEATHERIZATION KITS FROM LOUISVILLE GAS AND ELECTRIC (LG&E) VALUED AT APPROXIMATELY \$24,000.00 TO BE USED BY COMMUNITY ACTION PARTNERSHIP (CAP) FOR DISTRIBUTION TO CLIENTS OF THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).

Status: On Council Agenda - Consent Calendar
Committee: Health & Human Needs

Primary Sponsor: Mary Woolridge

25- O-62-04-09 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING AND RATIFYING ACTIONS IN THE STRUCTURING, STAFFING, PLANNING AND PREPARATION OF ALL DOCUMENTATION, INCLUDING ONE OR MORE ESCROW AGREEMENTS, FOR THE ISSUANCE OF CERTAIN GENERAL OBLIGATION REFUNDING BONDS OF THE METRO GOVERNMENT IN ONE OR MORE SERIES; AUTHORIZING THE ISSUANCE OF SUCH BONDS TO REFINANCE ALL OR A PORTION OF CERTAIN OBLIGATIONS ORIGINALLY INCURRED BY THE CITY OF LOUISVILLE, THE COUNTY OF JEFFERSON AND THE CITY OF LOUISVILLE PUBLIC PROPERTIES CORPORATION AS FURTHER SET FORTH HEREIN; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS ARE TO BE ISSUED AND PROVIDING FOR THE COMPETITIVE, ADVERTISED SALE THEREOF; AUTHORIZING AND RATIFYING THE PREPARATION AND DISTRIBUTION OF ONE OR MORE NOTICES OF SALE AND PRELIMINARY OFFICIAL STATEMENTS FOR THE BONDS; DEFINING AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PROVIDING FOR THE APPLICATION OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - Consent Calendar

Committee: Budget

Primary Sponsor: Jim King

26- O-66-04-09 AN ORDINANCE AMENDING ORDINANCE NO. 111 SERIES 2008, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2008-09, FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$52,000 OF STATE AREA DEVELOPMENT FUNDS BETWEEN CAPITAL PROJECTS IN THE METRO EMERGENCY MEDICAL SERVICES DEPARTMENT.

Status: On Council Agenda - Consent Calendar

Committee: Budget

Primary Sponsor: David Tandy

27- R-59-04-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING AN AGREEMENT FOR RESURFACING CONNECTED TO ROADWAY WIDENING ON EASTWOOD-FISHERVILLE ROAD AND JOHNSON ROAD.

Status: On Council Agenda - Consent Calendar

Committee: Transportation/Public Works

Primary Sponsor: Hal Heiner

28- R-67-04-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO A SUPPLEMENTAL AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING THE PROVISION OF ADDITIONAL FUNDS BY THE COMMONWEALTH FOR ROAD RESURFACING.

Status: On Council Agenda - Consent Calendar

Committee: Transportation/Public Works
Primary Sponsor: Robert Henderson

29- MOVED TO OLD BUSINESS

30- O-61-04-09 AN ORDINANCE APPROPRIATING \$20,000 IN TOTAL FROM THE NEIGHBORHOOD DEVELOPMENT FUNDS OF THE FOLLOWING COUNCIL DISTRICTS: \$7,500 EACH FROM DISTRICTS 7 AND 16 AND \$5,000 FROM DISTRICT 19, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO HISTORIC LOCUST GROVE FOR ROOF REPAIRS.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Kenneth C. Fleming
Primary Sponsor: Kelly Downard
Primary Sponsor: Hal Heiner

31- O-51-03-09 AN ORDINANCE APPROPRIATING \$15,000 DISTRICT 8 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO BROOKLAWN, INCORPORATED TO FUND A PUBLIC SCHOOL LIAISON.

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Tom Owen

PRESIDENT TANDY: Is there a motion to approve?

COUNCILWOMAN: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT TANDY: Thank you. The item is properly moved and seconded.

The consent calendar requires a roll call vote. Madame Clerk, please open the voting. Voting is closing. The voting is closed.

Voting result: Consent Calendar

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 26 yes votes
PRESIDENT TANDY: **The consent calendar passes.**

OLD BUSINESS:

PRESIDENT TANDY: The next item of business is item number 29. Madam Clerk, a reading of this ordinance.

29. O-60-04-09 AN ORDINANCE APPROPRIATING \$10,000 FROM DISTRICT 1 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO LIFE INSTITUTE, INC. FOR PROGRAM EXPENSES.

Status: On Council Agenda - Consent Calendar

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Judy Green

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILWOMAN HAMILTON: Second.

PRESIDENT TANDY: Properly moved and seconded we now have the ordinance before us.

This is coming out of the Appropriations NDF/CIF Committee Chairman Engel would you like to speak to it?

COUNCILMAN ENGEL: I'll yield to my colleague from Council District 1.

PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: Thank you Chairman Engel and President Tandy. Life Institute is an organization that seeks to work with troubled youth. usually gang members to try to get them on a different pathway of life. For most of you all, you may remember that six months ago on the way to school at 6:30 in the morning two of my sons were jumped and attacked and assaulted and one even spent a day in the hospital with a concussion because of gang violence. Now, that really hit home. And I had a press conference to talk about some things that we could do in West Louisville to help with the problems that we have. The problems are getting worse. I think Chief White has talked about instituting a Task Force on violent crime and reducing, the reduction of gang activities in West Louisville.

But the reason I'm coming before you all now six months later to help fund this organization is, I wanted to make sure they were able to be sustainable, at that gain other grants so they wouldn't have to depend on Metro Louisville for the totality of the amount that they needed.

But at that press conference that I had, many of you in this room said to me that you would help out. For anything that we tried to do to help with the problems that we have in West Louisville.

So I'm here today to ask that you all please -- I'm begging actually -- that if my colleagues would help out with helping to fund this organization. The Executive Director is Dr. Eddie Woods. And he's been working with gangs and street -- children on the street for some 25, 30 years. He's got an aggressive program module that he's trying to institute. And also, he is trying to find jobs for these young men that normally hang out on the street. I have decided to fund him at this time with \$10,000 out of my NDF fund and I'm asking my colleagues if you would, please, sign on so you could help us to make West Louisville a better place for all of our children And constituents to live. Thank you, Mr. President.

PRESIDENT TANDY: Thank you, Councilwoman Green.
Any further discussion in Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President I attended that press conference and I appreciate the fact that our colleague has not just jumped in and done something but actually prepared a program and has a program ready to go. And that can be self sustainable and I'm more than happy to contribute \$1,000 out of my NDF funds for this process.

PRESIDENT TANDY: We'll accept this as an amendment.
Is there any further amendments that wish to be made, Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: Thank you, Mr. President.
In support of my colleague and all of her efforts in her communities efforts in the 9th District we'll partner for \$1,000.

PRESIDENT TANDY: Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President.
Dr. Woods other facility is located in District 15 and I would like to support \$2500.

PRESIDENT TANDY: All right. Thank you.
Councilman Stuckel.

COUNCILMAN STUCKEL: Yes, District 17, \$500.

PRESIDENT TANDY: Thank you, Councilman King.

COUNCILMAN KING: Thank you I was also at that press conference and remember that morning vividly and District 10 will give \$500.

PRESIDENT TANDY: Councilman Benson.

COUNCILMAN BENSON: Thank you President Tandy District 20 will give \$1,000.

PRESIDENT TANDY: Councilwoman Welch.

COUNCILWOMAN WELCH: Yes, District 13 would like to contribute \$500.

PRESIDENT TANDY: Okay. Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President.

I tried to hide on my colleague in 5:15 meeting so she didn't pin me down but thanks to her passion I would like to give \$500 from District 22.

PRESIDENT TANDY: Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Thank you, Mr. President I have to say to Judy -- Judy is very aggressive. She's -- even though I have a proposal already for Dr. King in the Newburg area -- I'm sorry; Dr. Woods also Dr. King. Dr. Woods but she's forced me to put up some money so I'm going to give her \$250 since I already have some money going to him.

COUNCILWOMAN GREEN: Thank you.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you Mr. President \$500 from District 12 please.

PRESIDENT TANDY: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you Mr. President and thank you Councilwoman Green for calling me out in the caucus. I did attend that meeting.

It was really unfortunate what happened to your children.

And District 3 would like to appropriate \$1,000 for the cause and hopefully when we get our new budget we can revisit this maybe with a different amount or more amount.

Thank you, thank you Mr. President.

PRESIDENT TANDY: All right.

Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President.

District 24, \$500, please.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: Yes District 8 \$1,000 I did attend that press conference and remember that day.

-- \$1,000. Very clearly.

PRESIDENT TANDY: Councilmember Unsel

COUNCILMAN UNSELD: you know District 6, \$500 please.

PRESIDENT TANDY: Any further amendments?

Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: I'll wait.

PRESIDENT TANDY: Okay.

Councilman Johnson.

COUNCILMAN JOHNSON: District 21, \$500.

PRESIDENT TANDY: Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: District 18, \$500.

PRESIDENT TANDY: Councilman Henderson.

COUNCILMAN HENDERSON: \$500 for District 14.

PRESIDENT TANDY: Any further amendments?

Councilwoman Hamilton?

COUNCILWOMAN HAMILTON: District 5 has worked with the with the Life Institute for several years.

Councilman Hawkins, you will recall gang initiatives.

You also may recall that he was named man of the year by Leo magazine I think that was the first time I had ever seen any individual honored in that way and he also works with girls.

They are starting a girl's institute that parents are involved with.

Not just the young men and I'm glad that Councilwoman Butler noted that even the south end as well working. And District 5 would like to add \$5,000.

PRESIDENT TANDY: Thank you. Any further amendments? All right.

Madam Clerk, where do we stand.

CLERK: Would you like me to reread it first to make sure everybody is correct.

PRESIDENT TANDY: That would be fine.

CLERK: All right.

Fine.

District 16, 1,000.

District 9, 1,000.

District 15, 2500.

District 17, 500.

District 10, 500.

District 20, 1,000.

District 13, 500.

District 22, 500.

District 2, 250.

District 12, 500.

District 3, 1,000.

District 24, 500.

District 8, 1,000.

District 6, 500.

District 21, 500.
District 18, 500.
District 14, 500.
And District 5, 5,000.
I hope somebody is adding quickly.
Is that correct, everybody?
Okay.
We have an addition a total of \$17,750 for a total of \$ 27,750.

CLERK: I have a mover I need a second.
COUNCILMAN ENGEL: Second.
PRESIDENT TANDY: Okay properly moved and seconded.
I have the amendment before us.
Any further discussion on the amendment?
Seeing none, All those in favor signify by saying aye.
ALL PRESENT: AYE

PRESIDENT TANDY: All opposed?

The ayes have it. The amendment passes. We now have the amended version of the ordinance before us. Is there any discussion on the amended version of the ordinance?
Seeing none, Madam Clerk, this calls -- is an ordinance calling for a roll call vote.
Madam Clerk please open the voting.

VOTING RESULT – ITEM 29

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 26 yes votes.
PRESIDENT TANDY: **The ordinance as amended passes.**

COUNCILWOMAN GREEN: Excuse me Mr. President could I have a point of personal privilege. Please.

PRESIDENT TANDY: Sure.

COUNCILWOMAN GREEN: Thank you Mr. President I want to take this time to thank you from the bottom of my heart all that have contributed and added on. This -- this issue in my community is very near and dear to me and probably more so now that this awful thing happened to my sons. But the good news is they are still alive. And I'm going to still be fighting the cause. I know Dr. Woods will be thrilled to know that now he has a way to carry on some of the programs that he has been doing in large part with his own money for over 30 years. And I would also would like to say to any of my colleagues and anybody out there listening, he also needs other items such as pool tables, chairs, computers, refrigerators, desks and anything that you all can give. Please think about the Life Institute when you have old items that you no longer need. Thank you so much, sir. I appreciate it. Thank you, everyone.

PRESIDENT TANDY: Thank you, Councilwoman Green.

The next item before us is item number 32. Madam Clerk, a reading of this ordinance.

32 -O-67-04-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO R5-A MULTI-FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 9910 WESTPORT ROAD, CONTAINING A TOTAL OF 24.8 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 12051). (6-23-09)

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Sponsor: Tom Owen

PRESIDENT TANDY: Is there a motion to approve?

COUNCILWOMAN WOOLRIDGE: So Moved.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Property moved and seconded. Is there any discussion, Councilman Owen?

COUNCILMAN OWEN: Yes thank you Mr. President. this is a largely undeveloped site on the south side of Westport Road just beyond Hurstbourne Parkway and opposite almost to the Springhurst Center there. There was a proposal before the Planning Commission that was heard in committee perhaps a year and a half ago it seems to me. Something like that. The Planning Commission recommended that apartments be approved on the site. The committee and ultimately our Council overturned that recommendation. But also asked the Planning Commission to seriously consider waiving the two year rule that since -- and suggesting that the Council might well favor condominium development on this site. Well the developer came back with a proposal for 296 condominiums. Made some very serious adjustments as far as surface drainage the two subdivisions adjacent. And off of EP Tom Sawyer state park to the south. There is significant buffering with the neighborhoods adjacent. And it came from the Planning Commission with a unanimous recommendation and it now comes to us from that committee with a unanimous recommendation. This is in Councilman Stuckel's District and he may well want to comment.

PRESIDENT TANDY: Councilman Stuckel.

COUNCILMAN STUCKEL: Yes, as Tom gave you the history of it, this has been debated for three -- maybe three years total. And finally we've gotten a plan that most of the neighbors are in accord with. It's probably the best use for a very valuable piece of property and I'm certainly in favor of it. I request that you vote in favor of this ordinance.

PRESIDENT TANDY: Thank you, any further discussion?

Seeing none, this is an ordinance calling for a roll call vote, Madam Clerk please open the voting.

Voting Result – Item 33

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 26 YES VOTES.

PRESIDENT TANDY: **The ordinance passes.**

Madam Clerk, a reading of Item 33.

33- O-68-04-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE-FAMILY RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 3201 DOVER AVENUE, CONTAINING A TOTAL OF 6.6 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 10790). (6-15-09)

Status: On Council Agenda - Old Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

PRESIDENT TANDY: Properly moved and seconded we now have the ordinance before us.
Councilman Owen?

COUNCILMAN OWEN: Yes, thank you very much.

This is -- those folks who have been headed out Cane Run Road in the last couple of years just before you get and after you get the split onto green belt highway, there has been an explosion of development in that area. A Wal-Mart and many, many, many other commercial proposals have been approved in that area. And so this is an adjacent parcel.
Though it's address is on Dover Avenue it does face on the south side of Greenbelt Highway.

And so there's been a substantial amount of development here.
In fact there's discussion of that whole commercial area as becoming a regional center.
A significant commercial center.
There are proposals for several buildings on this site.
Perhaps two of them being restaurants as well as other commercial buildings including a bank and retail.
There has been significant surface drainage adjustments made with retention basins including a fountain on that retention basin. So this is in Councilwoman Green's District and she has indicated that she is supportive of it.

PRESIDENT TANDY: All right. Thank you. Is there any further discussion?
All right. Seeing none, this is an ordinance calling for a roll call vote.

Voting Result – Item 33

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 26 YES votes
PRESIDENT TANDY: **The ordinance passes.**
Madam Clerk, a reading of Item 34

O-46-03-09 AN ORDINANCE ~~DENYING THE REQUEST TO CHANGE~~ CHANGING THE
NAME OF BRIDGEMORE LANE, RUNNING SOUTHWESTERLY FROM ITS WESTERN
INTERSECTION WITH LONG RUN ROAD, TO MEREMONT HEIGHTS WAY, SAID ROAD
BEING IN LOUISVILLE METRO (CASE NO. 11926) (AS AMENDED).

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

Additional Sponsor: Hal Heiner

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Properly moved and seconded.

We now have the ordinance before us. Is there any discussion?
Councilman Owen?

COUNCILMAN OWEN: Oh my goodness. Colleagues this is a case that comes to us and frankly challenges some of the guidelines that have been built into 2020.

And I think it in many ways reflects the differences, the diversity of residences and -- in our entire Metro region. Basically the simple story is this: On Long Run Road, which is that major left just beyond Flat Rock Road as you're headed out Shelbyville Road Eastwood. Long Run Road

If you take that left, you'll go back and see that there's several subdivisions that have been built on the hills along the valley that's created by Long Run.

Well, one of the subdivisions is a dead end street that has perhaps I'm not sure the number. 30 or 40 homes on it.

And it is called -- it is called Bridgemore and Bridgemore Lane.

Well that subdivision was developed some five years ago.

Well then along comes on the other side of Long Run Road another subdivision.

And it is called Meremont Heights.

Well, the proposal -- well following the guidelines of 2020, Bridgemore Lane would continue with the new subdivision across Long Run and up the hill side to a dead end street to a subdivision where only two houses have been built one under construction one almost completed none on what is now Bridgemore Lane. well the Planning Commission considered this.

They looked at the literal language of 2020 and required by a divided house that Bridgemore Lane should be -- should continue as it had been designated into the Meremont Heights subdivision.

Make a long, long story short, Bridgemore subdivision asked that Bridgemore not continue across Long Run Road. And that proposal was denied by the Planning Commission. It came to our committee.

It was debated on two occasions in our committee. I visited the site.

And our committee agreed to the Bridgemore proposal that Bridgemore would not continue across Long Run Road but instead would be designated Meremont Heights Way.

All this to say that the challenge for our future of Metro on this issue is the literal language of 2020 that says that the same road designation, the same name should continue across a major thoroughfare.

What is being challenged here is that if you have a subdivision with a signature entrance and a very specific name then perhaps that roadway ought to bear that specific name on the other side of the street, a dead end street with a signature entrance may be the main road into the subdivision ought to reflect the name of that subdivision.

And so our committee agreed, agreed, with an amendment, sponsored by the Council person of that area with an amendment.

And we passed that amended version which would allow the designation, the new designation of Meremont Heights in the new subdivision Meremont Heights Way with Bridgemore Lane being specifically over on the other side of Long Run Road.

I know that's a tortured and convoluted explanation but I'm trying to reflect to you how our committee weighed and considered and finally approved the amendment that would allow that -- those two names on either side of Long Run Road.

My question in committee very early was: Well, wait a minute.

They already have Bridgemont in the subdivision signs in the new subdivision on the other side of the streets. well the residents over on Bridgemore are willing to pay for new signage in this subdivision that's being developed over on the other side of the street in fact the developer of the new subdivision agrees with this new name Meremont Heights Way for the subdivision that's being built over on the north side.

Well, I know that's a lot of language.

But I'm just telling you, it is our committee disagreed with the recommendation of the Planning Commission on this.

And approved the two names on either side of the street.

PRESIDENT TANDY: This is in Councilman Heiner's District, correct?

COUNCILMAN OWEN: Yes.

PRESIDENT TANDY: Councilman Heiner, do you wish to comment?

COUNCILMAN HEINER: I agree with everything Councilman Owen just said.

PRESIDENT TANDY: Is there any further discussion?
Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE, Yes, thank you Mr. President I was just reading some of the minutes.

And one of the rebuttals and I would like to find out if we got this cleared up.

It said in part of the minutes that there could possibly be some confusion.

Confusion still exists in emergency responses.

So I just -- for people to get to that intersection they are going to be equally dismayed to find which way they turn on Bridgemore Lane so I would like somebody to clear that up for me if this was cleared up as far as emergency equipment.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I can testify that the record indicated that the Eastwood Fire District agreed with the two names, with the name change on the north side.

And on the -- on the other hand there was testimony before the Planning Commission from Metro Safe that they recommended that the name not be approved.

The name change not be approved.

All I can say is that if you're an emergency vehicle and you see a lighted -- a lighted signature entrance to a subdivision and the emergency response is on Bridgemont Way then the sign for the subdivision is very clear there and you're going to make the right-hand turn.

On the other hand if it says Meremont Heights Way, there is a lighted signature entrance to that subdivision and emergency response vehicles are going to turn left.

PRESIDENT TANDY: Okay.

COUNCILMAN OWEN: Down Long Run Road.

PRESIDENT TANDY: Any further discussion Councilman Peden.

COUNCILMAN PEDEN: To address Councilwoman Woolridge, I can say that it was the emergency services that asked that those initial rules be put in 2020 and this completely flies in the face of everything they ever recommended. I mean we've now done it several times.

The new apartments at Fern Valley and Old Shep, the Leghorn Champion Trace issue. I mean we just keep doing it over and over. We might as well take it out.

But it was originally put in there because no question about it, it makes it a heck of a lot easier when you're in a hurry. Because -- and the important part is not necessarily even the name change.

The important part is the continuity in the house numbers.

To be able to count.

And not be driving along and then suddenly you go from the 6500 block to the 4200 block and wonder where everything in the middle went. I mean it's a big deal. That's why it was put in 2020 originally.

And I mean I'm going to vote for this said it was all right.

Councilman Heiner says it's all right.

That's their District but I'm just telling you we consistently ignore it here when it suits us.

But it was really put in there for a reason. So I just want to throw that out there.

And go with it.

PRESIDENT TANDY: Any further discussion Councilman Owen.

COUNCILMAN OWEN: Just to say that Mr. Peden certainly understands the issue. He does.

PRESIDENT TANDY: Any further discussion.

COUNCILMAN OWEN: And I may say Mr. President if I may, in reflecting the very -- all of these concerns were expressed in committee.

Believe me they were expressed in committee and in the record that came from the divided Planning Commission on this issue.

The only additional justification is that both streets are dead end streets.

And so the house numbering, it's not like it's a street that's going to go on and on forever and ever.

COUNCILMAN PEDEN: Yes it's a sub street it could go on forever and ever in the future.

COUNCILMAN OWEN: In one case, no.

In the most -- perhaps in the other case. Perhaps. But not likely.

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President.

I mean I have to tell you, I've come down on this pretty consistently against doing this except when it came up in my District once.

COUNCILMAN DOWNARD: We had a brand-new subdivision that came where Murphy Lane ended and that Murphy Lane has been there for 30, 50 years the farm got sold then all of a sudden it became a signature entrance waterfalls and lights it was pretty obvious and I drove out there and I kept thinking you can't make that Murphy Lane I agonized going to it going to committee and we did the same thing and their argument was there. I don't know where we go but I can tell you that I was in Newport Cincinnati this weekend and almost every street they have stops and changes the names at the stoplight you don't have any idea where you are. You are following you know -- there's Map Quest things that says turn right on something so you turn and it says turn right on ABC Road and you look at the sign it says DEF Road well no it is ABC Road so it is terribly confusing so we have to be real careful about how we do this.

I know there are reasons and in my case the Fire Department said it was okay, too.

But we got to be careful. Because he's right we just keep doing it for the right reasons for good reasons but good grief. We've got to watch it. Thank you, Mr. President.

COUNCILMAN PEDEN: If I may make one more comment as far as the Fire Department goes they are going to be the easy ones because generally especially in the suburbs where the fire District is they all live around there all their stations never move it's the same guys and all live in the same area. the ones we have to be concerned about is the EMS person who works typically maybe in the urban area probably can find his way through the Highlands with his eyes closed but I still get lost in Seneca Park but if he winds up making a runaway out to District 1 he's not going to know the way around he needs as much consistency as we get. same thing with police officers as we move and shift them from urban to suburban they are the ones this was involved around. The fire departments we can all find their way around we helped name them and spot hydrants and everything else and we never change because unlike the urban Fire Department where they have the right to transfer from one end of the town to another suburban district are pretty consistent . so they are probably always going to agree but police and EMS if they move around through the 400 and some odd square miles of Louisville not as easy.

To find their way around when they are outside of what you would consider their normal territory.

PRESIDENT TANDY: Thank you.

Any further discussion?

Seeing none, this is -- I have the amended ordinance before us.

Madam Clerk, please open the voting.

Voting Result – Item 34

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: NO

CLERK: There are 25 yes votes, one NO vote from Councilman Brent Ackerson.
PRESIDENT TANDY: **The ordinance as amended passes.**

Next item of business is Item No. 35

Madam Clerk a reading of this ordinance.

35- O-59-04-09 AN ORDINANCE ENACTING A NEW SECTION OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES
[LMCO] TO ESTABLISH AN ANONYMOUS ETHICS TIP LINE. (AS AMENDED)

Status: On Council Agenda - Old Business

Committee: Government Accountability & Oversight

Primary Sponsor: Kevin Kramer

| | |
|----------------------------|-----------------------|
| Additional Sponsor: | Tina Ward-Pugh |
| Additional Sponsor: | Doug Hawkins |
| Additional Sponsor: | Kenneth C. Fleming |
| Additional Sponsor: | Rick Blackwell |
| Additional Sponsor: | James Peden |
| Additional Sponsor: | Kelly Downard |
| Additional Sponsor: | Cheri Bryant Hamilton |

| | |
|----------------------------|--------------------|
| Additional Sponsor: | Vicki Aubrey Welch |
| Additional Sponsor: | Mary C. Woolridge |
| Additional Sponsor: | Glen Stuckel |
| Additional Sponsor: | Hal Heiner |
| Additional Sponsor: | Jim King |
| Additional Sponsor: | Stuart Benson |
| Additional Sponsor: | Robin Engel |
| Additional Sponsor: | George Unseld |
| Additional Sponsor: | Judy Green |
| Additional Sponsor: | Brent Ackerson |
| Additional Sponsor: | David Tandy |
| Additional Sponsor: | Jon Ackerson |
| Additional Sponsor: | Barbara Shanklin |

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT TANDY: Properly moved and seconded.

We now have the ordinance before -- the committee amended version before us.

Is there any discussion? Councilman Downard ?

COUNCILMAN DOWNARD: Thank you, Mr. President I think that this is a pretty bold step this is an unusual thing we have 21 co-sponsors on this and I think the other five didn't get a chance to get in on it but it's a very forward step the internal auditor the state auditor and the outside auditor have all recommended we do this. The Council has done it we have it before us on old business because we made some changes to it in committee I'll go through those very quickly only to let you know what happened.

We changed the ability to reach this anonymous tip line telephonically to say we can do it by writing telephone or electronic means such as web or e-mail we changed where the complaints came in to be forwarded through the Office of Internal audit which allowed us then to have control as an outside organization does this internal Audit Committee would then have the ability to review what they have done on an -- in ever single case. the tip line will be open 24 hours and shall provide a toll free telephone number.

Toll free being critical if there's somebody that's outside this area.

The last thing we did was we set up a time limit so we said we don't have to wait for this but we want to make sure that it's done thoughtfully, properly, and therefore we gave the internal audit department up to 45 days to provide us with their procedures, rules and regulations as to how this would be run and administered.

After that we would then have 45 days ourselves to either approve, amend or reject by resolution those rules, policies and regulations and if we did nothing on the 46th day, it would become law as they had proposed it.

Now I say those are maximums we could get this from the internal auditor tomorrow.

And then we could hear it in committee next week and then be voting on it in two weeks.

It's a maximum of 90 days but probably not that much.

As I said it was -- it was unanimously approved after the amendments.

Councilman Kramer was the head lead sponsor of this if he wishes to add anything, I would be happy to let him do so now and I ask for your support. Thank you.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: I just want to say I appreciate all of the hard work that went into this both by members of this Council as well as folks who helped us from outside and the internal auditor and Ms. Stenberg and others and would appreciate your support.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: Yes I would like to be added as a sponsor, please.

PRESIDENT TANDY: So noted.

Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Thank you President Tandy on the paperwork my name is on there but it's not on the screen as a sponsor.

CLERK: Actually I do have you on -- on here it may not have made the screen.

But I do have you listed.

PRESIDENT TANDY: Councilwoman Butler actually I'll go ahead and go to Councilman Henderson first.

COUNCILMAN HENDERSON: I voted for it in committee I want to make sure I'm on there.

PRESIDENT TANDY: Councilmember Unsel.

COUNCILMAN UNSELD: Please add my name, sir.

PRESIDENT TANDY: Any further discussion or desires to be added as a sponsor?

All right. Seeing none, we now have the amended ordinance before us.

Madam Clerk, please open the voting.

Excuse me Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President I just wanted to make mention to the clerk I use an initial it is on the hard copy.

However most of the time it's never on the computer.

And hopefully we can get that taken care of.

I always use a C in my name.

It's usually on the hard copy.

But then it's not on the computer.

CLERK: I'll check it and --

COUNCILWOMAN WOOLRIDGE: Thank you.

Thank you Mr. President.

PRESIDENT TANDY: All right we now have the amended version before us.

Madam Clerk, please open the voting.

Voting Result – Item 35

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: NOT VOTING - ABSENT

CLERK: There are 25 yes votes; and one not voting, Councilman Brent Ackerson.

PRESIDENT TANDY: **The ordinance as amended passes.**

The next item of business is Item 36. Madam Clerk a reading of this item.

36- O-32- 02-09 AN ORDINANCE ENACTING A NEW SECTION OF CHAPTER 37 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] TO ESTABLISH LABOR STANDARDS FOR PUBLIC PROJECTS FUNDED WITH PUBLIC FUNDS OR PRIVATE ACTIVITY PROJECTS RECEIVING PUBLIC SUPPORT THROUGH ~~TAX INCREMENT FINANCING, GENERAL OBLIGATION BONDS, DIRECT PAYMENTS, PROPERTY TAX ABATEMENTS, THE USE OF PUBLIC FUNDS, TAX SUBSIDIES, TAX CREDITS, TAX REBATES, PUBLIC/PRIVATE PARTNERSHIPS,~~ ACCESS TO PUBLIC ASSETS OR ASSISTANCE PROVIDED BY PUBLIC AGENCIES [AS AMENDED]

Status: On Council Agenda - Old Business
Committee: Labor & Economic Development
Primary Sponsor: Jim King
Primary Sponsor: Rick Blackwell
Additional Sponsor: Dan Johnson
Additional Sponsor: Mary C. Woolridge
Additional Sponsor: Vicki Aubrey Welch
Additional Sponsor: Marianne Butler
Additional Sponsor: Robert Henderson

COUNCILWOMAN WOOLRIDGE Motion to approve.
COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: The item has been properly moved and seconded. Is there any discussion?
Councilwoman Butler.

COUNCILWOMAN BUTLER: Yes thank you Mr. President this particular ordinance has been before the labor committee for a while. We held a special meeting on another item and held this hearing as well for a couple of hours. We've had numerous amendments and I would like to yield my time to Councilman King who is the sponsor to explain all those amendments.
He can do a better job than I.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Thank you Mr. President and Councilwoman Butler and I'm a co-sponsor along with Councilman Blackwell as primary sponsors. and we also have other co-sponsors. Councilwoman Woolridge. Mary C. Woolridge. Councilman Johnson, Councilwoman Welch and Councilman Henderson. This ordinance and I'm going to probably need the floor for a few minutes Mr. President to try to frame where we are on this.

This ordinance had its genesis during the Cordish discussion and I think a few of you probably remember the Cordish deal we spent a great deal of time arguing over the application of labor standards to that project and Rick Blackwell and I decided that we would develop an ordinance that sets standards for future projects like that.

And any time you have tax subsidies I think that we have skin in the game we should have some right to talk about how things are done.

So we decided that we would begin with the best template we could find as a blueprint for the future.

And that template was the standards we established when the arena came before us.

Those standards received an overwhelming majority of the Council in support and those standards required

local job content, minority and women owned businesses to be involved in the payment of a fair wage. The reason the Cordish deal generated our interest is it involved substantial taxpayer dollars some of you may well recall that.

There was a dispute over whether or not it was 12 million or 20 million or 30 million. But there's no doubt it was substantial.

And yet there were no protections to ensure the construction jobs on the projects went to local workers, minorities or women.

Or that the wages paid would represent the community standards for wages, thus allowing transient contractors and workers to take the jobs at a below market rate.

Leaving our workers unemployed.

This ordinance sets standards the one before you now sets standards for local content minorities and women and despite the -- it requires above market wage, it doesn't do that.

Our ordinance specifically defines the hourly wage rate to be paid as the predominant wage already, already, being paid in our community.

And if no predominant wage exists, then the average wage, the wage is the average wage paid to all workers in a particular job class in Louisville.

Let me talk a little bit about prevailing wage while I'm on that subject.

The subject for prevailing wage I think has probably become the greatest bone of contention that we have on this.

And it's unfortunate that there's so much propaganda out there about that term.

Because most people who talk about it have never read the state statute and don't really know how the definition -- or what the definition is of prevailing wage.

We -- and I learned a lot in working on this myself.

But what I did learn on prevailing wage is that the state statute provides that the Department of Labor, the secretary of that department, is to collect the data on similar jobs and similar circumstances with respect to public work, with respect to private contracts and with respect to Union contracts.

And they are to do that only in the locality where the wage is to be determined.

They are then to determine if there is a predominant wage that is going to be paid -- or that is paid in that locality.

And if there's not, then the statute says you use the average rate.

And that's important.

And I'll talk about that a little more in a minute when I talk a little about GLI's input on this.

Why do we need this ordinance?

Well, I believe we need this ordinance because each time a large public private project is brought to us for approval, we devote a great deal of effort debating the labor standards that will apply and we typically approve different standards for different deals.

This ordinance will allow us to tell the administration what we expect and to deal with the exceptions only.

Existing ordinances do not provide standards for local job content nor do they provide adequate standards for minority and women participation and public and public/private projects. once this ordinance is passed the administration will know it's the will of the Council to ensure the use of significant taxpayer dollars leads to local jobs use of minorities and women and the payment of a fair wage that will prevent transient workers from taking the jobs of Louisville residents.

Some have said this ordinance will have a negative effect on job creation. I would disagree this ordinance has been amended to exempt any fundings or incentives directly related to job growth and payroll. in GLI although asked several times could not give any examples of any employer that has either moved to Louisville or is moving to Louisville that would not have come to Louisville if this ordinance were in effect already.

This ordinance exempts any incentives received by an employer that are directly related to new jobs as I said.

Some of said that there are not enough minorities and women available to meet the standards. Chairman Jim Host of the arena authority said they have no problem filling enough minorities and women to fill the positions on the arena project and they are achieving the standards we set for them. and that's kind of one of those glass half full, glass half empty deals because if there aren't enough women and minorities available to fill the positions, then you know that could be a good thing because we're now opening up opportunities for women and minorities that they didn't have in the past.

Some of said prevailing wages significantly raise the cost of a project. well Chairman Host and I asked him this question directly of the arena authority said he believed the payment of prevailing wages on the arena had a minimal effect on its cost and resulted in better qualified employees and a higher quality product. in fact the economic policy institute in Washington D.C., a non-partisan think tank, issued a study paper dated July 8, 2008 stating the belief that prevailing wages raise project costs was a myth the EPI stated the use of prevailing

wages results in a higher quality better trained employee leading to higher productivity fewer injuries and a better building.

Prevailing wages in the context of this ordinance does not include benefits. there was a newspaper article today that talked about the fact that the benefits caused the prevailing wages to be significantly higher than private contractors.

We specifically excluded the requirement that there be health insurance plan. we simply said there had to be access to health insurance we actually took the retirement plan out of the wording so that it didn't impact smaller businesses that couldn't afford to do that.

Accordingly for comparison purposes, wages paid will be based only on the most commonly hourly rate in Jefferson County. that just seems fair to me. I don't know what it seems like to you but it seems fair to me. why should we dictate labor standards to private developers receiving taxpayer dollars?

Why should we?

Well, I believe that the acceptance of taxpayer subsidies brings with it an obligation to social responsibility.

Payment of a fair wage and the inclusion of local labor women and minorities on a taxpayer subsidized construction project I believe is a small price to pay if you are willing to accept tax dollars for your projects.

I can tell you that I own and operate a small bank here in Jefferson County.

It's been the subject of some of the signs that you might have seen out on the highways that say that I don't like -- was it Mary -- Mary C. Woolridge I don't like blacks or women and she called me in to explain to her why I don't like blacks or women.

And I'm not real sure how they drew that conclusion from this but somehow that ended up on the sign.

But what I'm saying to you with respect to the bank is that my bank accepts Federal assistance, if you will, because we're a member of the FDIC and with that comes a whole set of responsibilities.

The consumers to the government.

Requirements that we allow individuals to come into our bank and inspect what we're doing.

Bank examiners some of you may have heard of them.

They are not -- they are very nice people.

I started to say something else.

But -- they may one of these days hear this.

I want you all to know they are very nice people.

They are very nice people.

Exactly one of the earlier newspaper articles and I apologize for the length of this but it's important I get it laid out. one of the earlier newspaper articles on this said GLI took severe exception to the ordinance. well I will admit the ordinance as originally filed had a lot of flaws.

It needed a lot of improvements.

We've made a lot of improvements.

Some of those were a direct result of GLI's input.

Some of those were the direct result of Councilman Owen and others who brought some of its flaws to our attention.

But let me give you just a few examples of some of the prior amendments that we've dealt with.

We -- the original version did not exempt industrial revenue bonds, which are things that typically do not cost us a whole lot of money.

There's usually some property tax abatements associated with those but we routinely do those.

They are good for business.

They are good for companies.

And I do not want to interfere with the use of industrial revenue bonds.

We also didn't have a clear exemption for payroll incentives that create jobs we now have those.

Our definition of prevailing wage.

Originally we just used the phrase prevailing wage but when GLI asked us to define prevailing wage using their terminology they wanted us to use the local economic development to do the calculation, Rick and I talked about that.

And we decided that there's already a bureaucracy in place to do that we don't need to create another one but we do believe that it's important that both public and private and Union rates all get put into the data.

So we went back and got the state statute and adopted that as part of our language so that it's very clear that we expect the wage to be the predominant wage and if it's -- if there isn't a predominant wage that it be the average wage for what's paid in our community we also attempted to insert some penalties in the language for failure to meet the minority and women standards but after we did insert those and adopted them on the committee we were told they were unconstitutional by the County Attorney.

The County Attorney did go on to say, though, that there were other penalties that could be imposed as a result of a failure to act in good faith.

And I can talk about that in just a minute a little bit more.

We also added some language relating to the Human Relations Commission monitoring language and the requirement that a study be done to increase employment opportunities for -- to find ways to increase employment opportunities for women and minorities.

When -- and I keep coming back to this prevailing wage thing because it was such a bone of contention but at our last committee meeting even though Joe Reagan who is the Executive Director of GLI and he couldn't be here tonight and he called me and told me that.

But even though he took a great deal of exception to the use of the term prevailing wage, he had actually did not know what the state statute was and how it was calculated.

He was relying on others who did some calculations for him.

I can't tell you how many people I have run into that have a misunderstanding of what that term means.

And so I know we'll be talking about it again tonight but I'm just trying to make the point that the GLI language that they propose for the calculation of prevailing wage rates was so similar to a literal reading of the state statute that we just decided not to reinvent the wheel and we adopted the state statute language in the body of our ordinance.

I talked a little bit earlier about what happens to the contractor if the minority women standards are not achieved.

Jim Host says they can be achieved if someone is paying attention to them and I believe that because he is achieving those.

What the County Attorney tells us though is that the language within this ordinance that pertains to minorities and women and the goals we have in there can be enforced if there is not a good faith effort on the part of the contractor to ensure that those goals are fulfilled or at least there's an attempt to fulfill them and that can be done by withholding payment under the contract according to this ordinance.

I've also heard the threshold for when these standards should apply to public/private projects.

It should be higher.

Well, I mean I expect that threshold probably to be the biggest bone of contention we have here tonight.

The current threshold in the ordinance is 500,000 in taxpayer dollars and that leads to the application of these standards.

Some of said the ordinance should be based on a percentage base on public private deals for example if the project is 100 million in size and the city puts up 10 million dollars some say it should apply to 10% of the project or not at all but it's inconsistent with -- all private policies exceeding \$250,000 are required to pay public wage. some have asked if the Council can exempt a given project from the standards of this ordinance and the Attorney told us again 14 people could do anything they want.

And we realize that one size really doesn't fit all.

And in unusual circumstances the administration can always request an exception from this ordinance with respect to any of the standards if it would prevent a meaningful economic development project from occurring.

And I'm wrapping this up.

Some of said that the ordinance will have a negative effect on small business who can't afford to pay prevailing wage rates. in a amendment I'm going to -- in a minute I'm going to propose an amendment that exempts small businesses and we'll deal with that at the time.

And then finally others have asked us if this type of law is found in other cities and states. and I think 33 states have prevailing wage laws and other standards that are similar to this. none are as good as ours are going to be with respect to local workers and job content.

And in fact I think the city of Denver where GLI they held it out as a model for Louisville during a recent glide trip they have an ordinance very similar to ours when private developers use TIF dollars.

So with that I would like to propose and I think each of you all have received something that I've handed out that says written amendments on it.

I hope.

There are just some things that I consider to be housekeeping although they do have some meaning to them so let me review them with you.

The first is making sure that the term wage or wage rate is used or referred to in this ordinance means the basic hourly rate paid by a covered employer. the second one has to do with the certified minority owned businesses.

And it basically says a minority owned business enterprise shall be certified by the Human Relations Commission or any organization designated by that Metro Human Relations Commission to certify the company be minority owned . the amendment on Page 7 under tax subsidized project we added a sentence that said for purposes of this ordinance a project cannot be broken down into component parts or separate projects unless the projects are conceptually separate and unrelated to each other or encompass independent and non-related

needs of Metro Government. and the intention there is to avoid disintegration of a project to keep dollar amounts under the threshold we're going to establish. And then finally on amendment on Page 8 under labor standards we would add the phrase this ordinance shall not apply to subcontractors who have less than 15 employees and who have sole certified to Metro Government by sworn affidavit and I'm going to move those amendments in just a minute but I would appreciate it Mr. Chair I do have a few more amendments that I would like to make but I don't have them written.

They are housekeeping in nature I think and I want to try to do those orally unless someone objects to that so I'll move those written amendments into the record.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Properly moved and seconded we now have those amendments before us.

Is there any discussion on the amendments, Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you.

Councilman King I wanted to ask I thought we were also adding the same language under the certified female owned businesses that you added under the certified minority owned business.

COUNCILMAN KING: You're correct I've just gotten that same question and I'll adopt that same language under the certified female owned businesses.

COUNCILWOMAN HAMILTON: Thank you.

PRESIDENT TANDY: Okay.

If that's a motion I'll second it.

COUNCILMAN KING: I'll amend my amendment with that change.

PRESIDENT TANDY: Without objection we have that amendment before us.

Any further discussion on the amendments?

Councilman Downard?

COUNCILMAN DOWNARD: I just have one question on the labor standards amendment.

You say we have less than 15 employees.

When?

There are people who lay people off.

Hire them back.

In the construction industry sometimes you get a big job you may have 50 employees one month and the job is over and you go back to 6 the next month.

So how are they going to -- it's reasonable to do that.

I just don't know how you say when you have 15.

Is it that day?

COUNCILMAN KING: I would defer to legal counsel the County attorney to address that question, if they would like.

WILLIAM O'BRIEN: William O'Brien, Jefferson County Attorney's office.

I understand the question I think it's a very valid question.

I would believe and I don't know if we need to make an additional amendment to the labor standards that what we're talking about is the project that's being bid upon.

So it would be project specific.

Because you could -- as you well noted, as Councilman well noted you cop ten people one day for one -- you could have ten people one day for one construction project and have a different construction project three weeks later and hire 40 people so it would be based upon the project that's being bid upon I believe would be the proper and I'm looking at the language to see because it does state project whether that would be sufficient.

It says on the project.

I'm not -- lawyers can argue about anything.

It may be better to clarify that.

We would need to look at that.

But for now let us continue to look at it as you all move on and we may make a recommendation to try to make it more specific but I believe it would be as to the project that they bid upon.

COUNCILMAN DOWNARD: One further clarification --

If you're doing that we've got to be real careful here because there's a room for a person who has in your definition that just came 50 employees that says they are only going to use 14 of them on that job to say I have 14 on this job so I want to be real careful we don't set up an opportunity for somebody just to get around this thing.

There's a -- if there's a way they'll find it. It's nature.

PRESIDENT TANDY: Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: Thank you Mr. President I have a question regarding the amendment the last amendment that says Page 8 regarding the 15 employees and I'm trying to figure out maybe the Council person who proposed this amendment can explain how we came up with the number of 15. Was it a number picked out of the air or how we came up with a number that is qualified as a small business because I've not seen anything to tell me what a baseline of a small business is versus a large business.

I'm certainly not an expert in the construction industry so I'm just concerned about us randomly drawing a number 15, 20, 10 and just saying well this is what we're going to say it is I would like to have a basis for that and understanding of that. Thank you.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Would you like me to respond to that.

PRESIDENT TANDY: Please.

COUNCILMAN KING: Actually the 15 came from listening to many of my colleagues on the Council.

PRESIDENT TANDY: Councilman Peden.

COUNCILMAN PEDEN: Yeah, addressing the same -- the same section which is the number 15, I'm trying to put it into scope of I'm going to use the arena's example we've been using it as an example for this ordinance in the beginning.

General contractor hires -- what's the best way to put it?

If the general contractor had gone out and hired -- if it needed 150 workers and instead of hiring one company with 150 workers ten companies with ten subcontractors with 50 workers each would they not have had to pay prevailing wage.

Do you understand the question?

I mean is that -- would that have exempted them if they had hired multiple subcontractors with fewer than 15 workers.

COUNCILMAN KING: You have to ask legal counsel.

WILLIAM WARNER: That has occurred to us and that's been discussed.

First, I mean -- and I'm sure that could happen.

COUNCILMAN PEDEN: So the answer is yes.

WILLIAM WARNER: Well, yes.

But there is an enforcement element that's connected with this.

I mean if you've got a contractor who can arrange to avoid the application of this ordinance by breaking his or her business down into components to get in under the ordinance, I mean you can put an enforcement mechanism in here. We can do that.

But it seemed to us when this was discussed that it would be so impractical and so obvious that that was done and it would be a violation of the ordinance for somebody to do that in order to get in under the application of the ordinance.

COUNCILMAN PEDEN: But you're talking about turning my 150 employee company into ten individuals I'm talking about the general -- just any general contractor what's the name of the one we hired for the arena, Mortenson, they are the general contractor, they don't really know who is in Louisville we've hired them out of Wisconsin and so on.

My -- again, if they are making a bid, if they think they are hire ten legitimate 14-man companies to make up their 140 or 150 person workforce, does that mean they are exempt because they are hired subcontractors several of them for less than -- with less than 15 employees.

WILLIAM WARNER: Well the --

COUNCILMAN PEDEN: Completely legit.

WILLIAM WARNER: The subcontractors would be exempt but the general contractor wouldn't because the small business doesn't -- I mean --

COUNCILMAN PEDEN: The contractor has to bid the labor based on the ordinance but the subcontractor doesn't have to pay based on the ordinance.

WILLIAM WARNER: Subcontractors are within the subject to the 15% exclusions.

Developers -- I'm sorry; 15 employees.

I'm sorry.

Developers and contractors are not.

They have to comply.

A contractor on the job or a developer who is receiving the money as in the case of many projects that have been before the Council is subject to the ordinance as it's presently written irrespective of the number of employees.

COUNCILMAN PEDEN: Again I'll repeat the question the contractor has to pay --

PRESIDENT TANDY: Your question has been answered. I want to -- asked and answered. I'll allow you to come back and ask your question but in fairness to others since we don't allow for on the Council each Council member to have an allotted time to go well and through with the series of questioning.

COUNCILMAN PEDEN: It's not a series. It's the same one.

PRESIDENT TANDY: I understand that you can ask the same question 15 different you know ways he's -- you've asked the question he's answered it I want to allow others to ask their questions and then we'll come back to you okay sir thank you Councilman Kramer.

COUNCILMAN KRAMER: Thank you Mr. President I have two things.

First deciding on the number at 15 you know and again I appreciate that it's a number that we've heard but deciding the number at 15 seems incredibly low to me.

Defining a small business as 15 especially for an ordinance of this magnitude is basically leaving out I mean companies of only 15 employees are likely not looking at projects like this anyway.

I mean small business especially in the construction industry I would think and I'm not a construction guy.

But I would think in the construction industry that a company of 15 would be incredibly small.

That being said, supposing that you did have a company of only 15 employees and that the owner of that company decided that this was a project he thought he could take on and in his excitement came in, looked at the project and decided hey my 15 member business can actually do this and he makes his bid to get the work done with his 15 employees, he gets in.

And a week into it realizes that he's gotten himself in over his head and he just can't complete the work with the 15 employees he has and I'm not talking about he's you know doing something with other businesses or he's limiting -- I'm saying this guy only employees himself and 14 others that's his entire business he's in and over his head in a contract so he has to complete it he realizes he has to hire three more takes him to 18 now he's above the threshold does that mean he's automatically kicked into all of the stipulations that are here if that's the case his bid was based on the 15 which was before this which means there is no way this contractor with his additional three employees not because he's a dishonest guy just because he was optimistic and anxious I mean this was a great contract for him.

And he bit off just a little more than he could chew now because he has to hire three additional employees there's no way he's going to make a profit on this and we just put this business 15 people strong in a position where he's financially bankrupt at the end of this contract.

It brings -- it offers me a great deal of concern.

15 is an awfully small number.

And going up by three because you miscalculated what your needs were and I suppose you could make the argument you shouldn't have miscalculated. what you're saying then is unless you're huge don't bother bidding.

And that's the whole purpose of this amendment is to get around that unless you're huge don't bother bidding. the whole purpose of the amendment seems to be should be I hope it is to legitimately recognize the needs of small businesses if it's just to pacify those of us who are concerned about the small businesses it's not working. We're not pacified.

COUNCILMAN FLEMING: Thank you Mr. President. I believe the intent at least what I can understand is looking at small business and 15 is a rather small number but I think we're opening up a can of worms here and what I mean by that is within the industry the Federal government has divided industries into certain categories and under those categories there's certain levels for small businesses. one particular industry might have a small business around 15. another industry might have a small business categorized as 100. so if you're looking at trying to address the small business I think you're on a slippery slope in trying to identify if 15 is considered a small business or helping out those particular businesses.

So I think we have to be very conscious and aware that even though it was sort of a collective effort as Councilman King mentioned in terms of 15, I think any number you're going to throw out there, you're going to have to really expand and further define what this means and where it applies.

Because in construction jobs you have different -- you have different functions coming in from advertising to

actually bricklayers to you name it. So you really have to be conscious of that.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you, Mr. President.

Maybe instead of looking at the number of employees which seems to be problematic, is there a way that we can identify small businesses by how much money they made in the previous year or something like that that you could look at some sort of range that would say small business?

You know I don't know what that would be but maybe a company that makes you know under a half a million dollars for the year is a small business.

I don't know exactly what it is.

I'm just throwing it out there.

But rather than getting into numbers like that and have the situation -- the hypothetical that Councilman Kramer was talking about, you know, maybe there's a way to just -- another way to describe what a small business is. Just throw that out there.

I'm not really sure what the definition might be.

PRESIDENT TANDY: Councilman Blackwell are you directing that to anyone in particular, that question or more of a rhetorical question.

COUNCILMAN BLACKWELL: Rhetorical if anybody has a different idea.

I was kind of maybe thinking of if we could come up with a way that Councilman Fleming was -- if that's how the quote that he just mentioned if that's how they identify that.

I don't think they are going by numbers it didn't sound like.

PRESIDENT TANDY: Councilman Jon Ackerson first.

COUNCILMAN JON ACKERSON: I would like to respond to that in the first place this amendment is well intended but the issue that it's raised is just what is a small business.

What is a small business is it 15 employees is it \$500,000, whatever.

And the point I want to make is that I don't think any of us here certainly not me are qualified to make that definition and yet we're going to adopt an amendment supposedly whether it's 15 employees or \$500,000 or whatever without getting input from labor.

And what they consider to be a definition.

GLI.

Women.

Other minorities and so on.

It's too important a part of this bill for the 26 of us none of whom have expertise in this area to make that decision.

And I'm uncomfortable moving forward with a piece of legislation which I consider huge to this community.

And like everybody else here I want to do the right thing.

And I'm concerned about this provision being in here the way we've done it.

I applaud the intent.

But it's just -- we don't know how to get our hands around it.

And I don't know that this motion is appropriate at this point in time.

But I'm going to make it sometime so I'll make it now. you can move me out of order. I would suggest we send this bill back to committee on this issue. let's go ahead and talk about other issues, as well and get these things which are important to everybody hammered out so we can come back in two weeks or a month from now and have a bill that we are all comfortable -- whether we agree or not. we are all comfortable with what we are talking about none of us right now know what we are talking about in terms of small business that's my motion Mr. President we remand this bill to the Labor and Economic Development committee for refinement of this issue and perhaps other issues that are part of the amendment or other amendments that will be tendered tonight.

PRESIDENT TANDY: That's your motion is to take this back to committee.

Is there a second for that motion?

He's offered a motion.

To be moved and seconded is there a second?

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: It's been moved and seconded.

Now we now have Councilman Jon Ackerson's motion before us.

Roll call vote, Mr. President.

PRESIDENT TANDY: I'm not there yet Councilman Ackerson.
Is there any discussion on your motion?
Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President.

If this motion passes and that ends the discussion of anything else that could -- that we could all know about ahead of time to what's going to be asked so I would ask the Councilman maybe reconsider to let's hear what the other concerns are and then entertain that motion.

COUNCILMAN JON ACKERSON: I have no problem doing that.

I think the motion is appropriate based on what we've had but I think to continue the discussion tonight would be healthy for everybody. I withdraw the motion for the moment.

PRESIDENT TANDY: All right.

COUNCILMAN JON ACKERSON: To be revisited at a later time tonight.

COUNCILWOMAN WARD-PUGH: And I will my second for the moment.

PRESIDENT TANDY: Okay.

Now -- we're back to discussion on the amendments that have been proffered by Councilman King.

Councilman Fleming I said I was going to call on you to again answer the question that's been taken care of on the sidebar.

COUNCILMAN FLEMING: It has unless you want me to --

PRESIDENT TANDY: That's fine.

Thank you.

Now we'll move to Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

I would just like to say this ordinance has been visited.

The it has been revisited.

It's been amended and the amendments have been amended.

And the way I feel about this ordinance is if we continue to dilute this ordinance with amendments, I don't see how it's going to do the things we started out to do.

We started out as someone has said tonight this is a good opportunity for training, for folks that don't go to college to get a skilled trade.

To get good wages.

And I feel almost like the benefits in the ordinance are disappearing.

So I'm just really struggling with this as to why we keep on making amendments, one amendment after another one we have a good law here.

I definitely do not want to see it go back to committee.

It has been in committee.

GLI has come, they have spoken. Jim Host has spoken.

And for the most part he has said we can do it just like the arena.

No problems. We would have to monitor the job.

But let me get to this point about the labor standards on the amendment.

I would not even like to see that amendment part of this ordinance.

I do not think that we can define here ourselves what make up a small business and the number 15, the number 10 or the number 5 and I would just like to see the proposed sponsor of this amendment to withdraw that part on Page 8 the labor standard.

Thank you, Mr. President.

PRESIDENT TANDY: Thank you Council woman. Next we have Councilman Downard.

COUNCILMAN DOWNARD: Thank you Mr. President I think I guess I would reiterate what my colleague from District 18 said.

The intent of this has to be the right thing we're going in the right place here because what we're trying to do is to exempt minority companies.

Women owned companies who are by and large the ones who are very much against these desertions and feel they are not going to be able to comply.

I am also concerned about a concrete bid that goes to four contractors and three of them have 15 employees and one of them has 30 and I don't know what the heck goes on there because you have a difference there of who bids what. So I think the idea makes sense.

I don't know how in the world we do this.

And if you're talking about how you count employees, if you try to utilize what somebody made that's another story all together I don't know what anybody makes you can probably do revenues or billings. But the way, you account for those. there are three different ways. I'm a CPA and I can assure my colleague who is also a CPA will back this up. there are two different ways to calculate revenues on construction financing one of them is finished jobs one of them is as you are going along. The accounting of this is so difficult. Plus what is a small business that has one big deal? Or is it somebody that has 15 big deals? I appreciate where we're heading on this. I just don't know how to get there. I know there are people who want us to get there outside this chamber. And I kind of think we're heading -- that's -- we started out trying to find out how we get people in this community employed. It's been said a million times. And then we started saying well let's make sure that as everyone gets employed we don't leave people out that's good too we have gotten into some areas we will probably all disagree with later but those areas we do agree on so I don't know how to make this happen. You have the ability when we say it's easy to find -- Mr. Host says it's easy to comply with those rules. he's spending over \$100,000 a year on people to keep track of it. And he has \$75 million in government grants state given to provide a training program. It really is working pretty well. I don't know who else gets to. So I guess I'm just -- I'm stuck trying to figure out how to do this and I'm not sure there is a way to define small business. I'm sorry. Thank you.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Yes, Mr. President I actually have a question first maybe for the sponsor of the ordinance if you could check with him to see if -- as a response and then I have a comment also on another part of it.

In the first section where it talks about the term wage or wage rate, shall mean the basic hourly rate, I think the last amendment I saw had about three pages detailing prevailing wage.

Is this one sentence replacing those three pages or what happens to everything -- is this an insertion and everything else remains or if you could provide some clarity on that.

COUNCILMAN KING: Sure.

Let me say this is an insertion and again it was a -- it was drafted by legal counsel and I'll be glad to turn the floor over to them and ask them to comment on your question.

WILLIAM WARNER: Basically that particular provision as I understood it is a clarification assigned to nail down the fact that what the ordinance is directed to is wages; that is compensation for work performed and does not include either any other kinds of tangible or intangible employment benefits beyond the basic wage.

So it does not replace any other language in the ordinance.

It is intended.

At least that's the reason it was given to us.

And we agreed that would be a good clarification.

And it was so drafted.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. President.

And I guess my concern with that is the next paragraph goes onto also discuss what a basically hourly rate is.

And talks about the basic hourly rate paid or being paid subsequent to the executive directors most recent wage determination to the majority of labors workmen, mechanics employed.

I guess the way it's inserted here sort of defies sort of an understanding of what we're trying to accomplish there. And I don't know.

Maybe as we go on maybe there's a different place it can be inserted or enhance that next paragraph but it seems like in two sentences right in a row we're trying to define the basic hourly rate pay one is called the wage rate one is called the wage determination I assume we're talking about the same thing there but it seems at least for a layperson the first reading seems a little confusing.

I just wanted to talk in general and I assume Mr. President you want to hold the comments on the entire labor ordinance until after we get through this amendment if that's kind of where we're headed here I do have other comments.

On the item for labor standards there's a discussion we've had about 15 employees or how much profit they make or what's their gross revenue I think that begins to highlight some of the difficulties with this ordinance. that this is government going where it has never feared to tread anywhere else in Kentucky. there is not another city anywhere in Kentucky that has anything like this.

In fact they even tried to impose living wage on incentive properties in Lexington and I believe that was defeated and surely that would be a baby step compared to what we're talking about here tonight.

What we're talking about is trying to decide as Government what a plumber should make versus what a carpenter should make versus a pipe fitter should make versus a steelworker should make. and then the various classifications within those different -- within those different trades so as the government we're going to jump in there and we do that on big public projects but all of a sudden tonight now we're not going to do it on public projects we're also going to do it on private projects because we have some skin in the game.

Earlier in the discussion I heard the sponsor say: This exempts facilities for new and expanding employers.

Well as I read in here, it says any construction ,a any construction.

It doesn't -- there is no exemption for employers if we were ever fortunate enough -- a Fortune 500 company considered Louisville again and they wanted to build a \$50 million facility and we just decided you know what a \$10 million investment in that facility if they were going to be here 50 years would make some sense. well I think this does -- I think this does apply and I would guess they would be courted by a lot of cities but anyway back to this amendment, all of a sudden you see the difficulty with trying to impose government sort of getting into now. we're not getting into the employer's business which we'll get into later in that discussion but now we're just going to try to get into the subcontractors business now are those 15 employees now did you have 15 before did you lay off some people just before you put in this bid?

Or you can't grow because once you grow you lose your competitive advantage.

But guess what?

If somebody has got five or six employees they can't possibly comply with Federal training programs.

I mean have you ever started a business and decide oh yeah we want a Federally approved training program for this business.

Yes, myself and my brother and two cousins and a person down the street that have a vision that maybe we can run a business.

But all of a sudden we're going to lay on -- layer on Bacon Davis our governments talking about because of the stimulus package having to set up classes to teach contractors in Louisville how to comply with all of this stuff. Let alone having our -- or sending our Human Resources where I had some people in Human Resources to go out there and kind of hang out in the construction site to make sure somebody is not -- maybe not getting paid exactly like they should.

Anyway I think our discussion on this amendment highlights the difficulty any time government tries to jump into the -- into private business.

And this you know exempting 15 employees I think it ought to be 35 employees.

I think that's absolutely important to get these beginning businesses to allow them to get started, to move to compete until maybe they get up to the size that they can compete for larger work.

Then get a piece of the pie going in and survive.

So I think this is important. but I think our discussion is also said here we are as a city maybe the only city in the Midwest that -- and if you look at Denver they have limited it to public buildings but maybe the only city in the Midwest that dares to go where we're planning to go. So I don't think this is a light decision tonight.

And I think this first amendment is starting to point up the difficulties with where we're headed.

PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: Thank you, Mr. President.

You know, in my efforts to try to offer up some type of compromise, I came up with the idea of small business and the idea of 15 employees or less.

Now, I'm a minority and I'm a female.

I'm also a business owner.

I know and feel the pain that we deal with on a day-to-day basis.

And Councilman Ackerson asked the question where did we choose the number 15?

And honestly I was thinking more along the lines of a medical dental facility.

However, I have been talking to some of my colleagues and they mention that in the construction business, that number should be a lot higher.

You know, I raised my children -- I have 13 children.

And I've raised them to come up with compromises.

And that's what I've tried to do.

However, I see that there is a lot of unreadiness over this particular part of the amendments that Councilman King read.

We're not ready to tackle what does a small business mean. With that being said President Tandy I withdraw that portion of the amendment.

I move to withdraw that portion of the amendment and also I ask that if we could take a ten-minute break, we've been here since 6:00 o'clock.

We're probably going to be here another hour discussing this.

Is it possible that we could take a break at this juncture.

COUNCILWOMAN BUTLER: If that's a motion I'll second it.

PRESIDENT TANDY: Let me deal -- break that down in two parts.

The first part is we're dealing with the -- we're dealing with the -- your motion to withdraw the portion in the -- as proposed to the labor standards ordinance of the 15 person.

Hold on. That amendment was offered by Councilman King.

Councilman King do you accept that --

COUNCILMAN KING: No she'll have -- it will have to be seconded and then there will have to be an amendment to my amendment.

COUNCILWOMAN WARD-PUGH:

PRESIDENT TANDY: Properly moved and seconded we now have that motion before us.

Is there any discussion on the motion?

Councilman Downard?

COUNCILMAN DOWNARD: Can I just make sure if this gets passed now we're not exempting anybody at all again. I think that's the effect of it.

COUNCILWOMAN GREEN: That's correct.

PRESIDENT TANDY: Any further discussion.

PRESIDENT TANDY: All right.

Seeing none, Councilwoman Flood.

COUNCILWOMAN FLOOD: Procedurally since we haven't vote voted on those amendments, can we vote to remove the amendments?

To amend an amendment that hasn't been voted on?

PRESIDENT TANDY: Right because that amendment is before us.

She's made a specific motion with regard to actions that's before us.

So we're just taking action on that motion.

So we now have the motion before us.

All in favor of the motion please signify by saying aye.

PRESIDENT TANDY: All opposed?

No.

No.

PRESIDENT TANDY: Madam Clerk, I ask for a roll call vote, please.

COUNCILWOMAN WOOLRIDGE: Mr. President can I get a clarification please, sir.

A yes on this is to -- strike that.

PRESIDENT TANDY: Right.

Okay.

Thank you.

COUNCILWOMAN GREEN: Mr. President also is that to strike just that piece or are we striking the entire amendment.

PRESIDENT TANDY: That was your amendment to -- strike that piece.

COUNCILWOMAN GREEN: Well I wanted everyone to understand that.

PRESIDENT TANDY: Uh-huh.

We're ready for roll call.

Voting Result: Strike the number 15 from King amendment

JUDY GREEN: YES

BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: NO
CHERI BRYANT HAMILTON: NO
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: NO
TINA WARD-PUGH: YES
JIM KING: NO
KEVIN KRAMER: NO
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: NO
MARIANNE BUTLER: NO
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JON ACKERSON: NO
HAL HEINER: NO
STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: NO
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There are 11 yes votes and 15 no votes.

Those voting yes Councilwoman Green Councilwoman Shanklin Councilwoman Woolridge Councilman Unsel
Councilman Fleming Councilwoman Ward-Pugh Councilman Blackwell Councilwoman Welch Councilman
Johnson Councilwoman Flood Councilman Brent Ackerson.

PRESIDENT TANDY: The motion fails.

Now we have before us there's been a motion to take a recess.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: Okay.

It's been properly moved and seconded we now have that motion before us.

All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed?

the ayes have it. we'll recess for 20 minutes.

(Recess)

PRESIDENT TANDY: All right, ladies and gentlemen, if you would take your seats, please.

Okay. We're back.

And we are still discussing the amendment that has been proffered by Councilman King.

And we're now -- we now have -- if you now have any further discussion, we'll start with Councilman Brent Ackerson.

COUNCILMAN BRENT ACKERSON: Well I just wanted to -- Mr. President, thank you. I just wanted to bring to our attention there's been talk tonight about potentially sending this back to committee as is.

Now there's also the second option that we have as a body and that is to potentially pass this ordinance without amendment the way it originally came out of committee with discussion and then we can always revisit the ordinance at a later date after having time to examine what a reasonable definition of a small business

exemption would be and amend the ordinance at that time. so we have the opportunity tonight to potentially move forward in light of some division we have over smaller details. Thank you Mr. President.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Well, let me just latch onto that idea.

Because I do think that from a practical standpoint if there is something we need to amplify on this we can always come back and do that at a later date.

But the idea of sending it back to committee doesn't seem logical to me because it was in committee for a couple of months.

I believe myself and maybe you, Councilman Tandy I think we're the only ones that proffered in the amendments. There could be others that did that.

I don't know if Councilman Engel or Councilman Peden did.

But if there were no -- I don't think Councilwoman Butler did.

If there were no ideas that came forward in that two month period in committee I don't know why we think sending it back there would be a whole new generation of ideas that come from that committee. so I would be opposed to sending it back to committee.

And while I'm at it, let me mention a couple of things.

When we talk about the definition of small business let me say that I think it's up to us to decide what a definition of small business is.

And so I'm not worried about looking for other authoritative sources on what the small business is.

I can go to probably three or four different sources right now from the Federal government, the state government, other agencies.

Each one of them will have some different definition of what a small business is.

Some will qualify under the family leave -- medical leave act.

Some of them will be based on the number of shareholders you have.

Some of them will be based on the number of partners in the partnership.

Some will be based on the number of employees.

It's just going to vary so I think rather than getting caught in some kind of quagmire on that we should decide what we believe it is and move forward with that.

The other thing I wanted to do is just I don't know that I need to rebut but I do want to comment a little bit on some of Councilman Heiner's comments and he knows I respect his opinion.

And we talk all the time about these things so this is not -- this is not intended to be argumentative other than intellectually argumentative and he made a comment that there's no other city in Kentucky that has something like this well I would submit to you that there's no other city in Kentucky like Louisville.

And I think that we are unique in Louisville -- in the -- in Kentucky in that we feed to treat ourselves that way.

I would also say that I know that Cincinnati has a similar -- operates under a similar ordinance because the State of Ohio has an ordinance that applies to all of its public authorities and they function very similar to this. So it may or may not impact northern Kentucky but I do know that that exists.

The -- one of the other comments he made was that -- and I think and I don't want to misquote him is he didn't see anywhere in here where we had exempted employers.

I don't quite understand his point there but maybe I didn't make my notes correctly here I'm not trying to misstate this but we have exempted any incentives that are related to the creation of jobs. Those are exempt.

And then I would say let's see there was a couple other points.

He made the comment that we may have some other significant economic development project come in that we would not want this ordinance to apply to. and I had already previously said that's the kind of situation where the administration can always come back to us and ask us for exceptions.

But at that point we would be taking exception and we wouldn't necessarily have to reinvent the wheel each time one of those deals came through.

I guess last but not least he referred to the Federal stimulus dollars, I think.

This was eons ago it was like before we took a break . three hours ago it seems like. and he talked about the fact that those contractors were having to I think take training on how to get these stimulus dollars.

And I would again submit that there are many merit shop contractors who will be bidding on these Federal stimulus dollars and those are Davis-Bacon dollars.

And or is it Davis-Bacon.

Thank you.

And so those -- you know it's a little bit like crying Wolf.

You know we can't do it.

We can't do it.

We can't do it. We can't comply with this. This is too complicated.

We're not big enough or we just don't want to -- we just don't want to pay our employees that prevailing wage but I'll bet you those are the same people that will be applying for these Federal stimulus dollars.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: I have no idea what my point was.

I'm sure it was in the heat of the discussion that we were having prior to.

But I'll come back to it I'm sure.

PRESIDENT TANDY: All right.

Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President.

There's been a lot of discussion here tonight on if a company comes in to do the work and they may lay off some other employees to get the job, et cetera.

What I would like to do is add a friendly amendment to Councilman King's amendment.

To state in there that certified Metro sworn affidavit and after that add a sentence that number of employees will be based on the previous year's unemployment tax return that they file with the Federal government.

I believe that the number of employees is on that is it not.

COUNCILMAN DOWNARD: It's quarterly.

COUNCILWOMAN BUTLER: So on the previous quarter and that way if that's what you base it on they can't lay off a bunch of people to qualify for this if you base it on that particular thing that they've turned into the Federal government.

PRESIDENT TANDY: It was offered as a friendly amendment.

I'll --

COUNCILMAN KING: Without objection I would adopt that wording as part of my amendment.

PRESIDENT TANDY: Okay.

So without objection we have that amendment before us.

We're still discussing the amendments that are before us.

Councilman Downard

COUNCILMAN DOWNARD: thank you let me just sort of respond.

If -- again we're back into this problem.

All right it's the fourth quarter when there's not construction activity going on for the first quarter.

And so I have down to seven or eight people now it's summertime I'm up to 35 or 40 and I'm exempt until the following quarter and in the middle of the job I go from this number that I bid onto that number which now I have to change my wage rates.

I mean again we're trying to get to the same place but I don't know how we get there without causing a problem that doesn't make any sense and I need to respond to one thing when my colleague said let's pass it out now and correct it later.

That is terrible government we did that in committee we'll pass it -- we'll fix it before we get to Council that isn't the way to run things we need to understand what we're doing and pass laws that we think are correct not that we know are wrong and hope we can fix them later because we have a hard time with that.

And I would just say the same people that are applying for stimulus dollars the same people complaining. the stimulus dollars are being thrown out and you know we're on some of those committees it's just money.

And there is -- it is as I heard tonight and I quote this morning's paper there's a level playing field on the stimulus dollars it's all more expensive than most people pay. it's just cost and it's being done very quickly so yeah they probably are some of the same people but they are not going to be doing the same thing on their regular jobs they will be bidding back down there's not a market on that it's going to be the -- everybody is going to be bidding the same thing and it's going to be based upon a lot of situations. and I know you're cringing over there Councilman King but I'll tell you if you can get a higher rate on a loan because somebody will pay it or somebody will subsidize it you do. that's what happens tax free loans.

You do those you buy tax free bonds because somebody subsidizes it.

So it is -- subsidizes it that's not really a real clear way to review it because the stimulus thing I mean in my group I found out we had \$35 million in approvals and we hadn't been to a meeting yet.

It's happening very quickly.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: We did meet.

COUNCILMAN DOWNARD: After we approved this until we approved it we hadn't met yet.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

It has been pointed out that this is -- this evening we get to decide what a small business is so whatever we decide it is. is what the ordinance says it is and therefore it is which I appreciate the way that that works and the logic behind that. My concern is that I typically don't like to make those kinds of decisions without basing it on something.

I typically like to do things from a perspective that I consider logical and logic to me would dictate that somebody who knows more about what a small business especially in construction is clearly I've stated once before I'm not a construction person. I've worked for my brother's company just a few times and did just the labor of pulling wire but that's as close to construction I've gotten. I certainly wouldn't claim to being an expert on what a small medium or large business in that area is. I feel sure that there are in fact definitions and that there are accepted standards and whatnot. So just saying tonight we get to decide because we get to write the law.

I respect that. That's true. I just don't -- I just absolutely don't think that's the best way for a government especially for the 16th largest city in the United States. I don't think that's the best way to operate.

If we are going to do that, you know I don't know if a number has even been thrown out in the amendment that we're currently looking at the method of determining the number of employees was recommended but I didn't hear a number I suspect the number is at 15 because that's where it was before.

I again, having nothing to base it on think 15 seems to me woefully inadequate so I would like to think we are going to look at least 50 and I'm basing my 50 on just as you know unsubstantiated a number as anybody else and I'm probably hurting small businesses in the process so to you who are small businesses I apologize but 35 more than 15 seems better to me than 15.

PRESIDENT TANDY: Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President.

Point of clarification to you.

We are still discussing the amendments by Councilman King on this.

And we've already debated and voted on the 15 provision.

Are we -- I thought we were still talking to -- because I keep hearing discussions about the 15.

PRESIDENT TANDY: Let me clarify that.

The motion that we voted on was on a motion that Councilwoman Green presented -- had made to extract that or to separate that amendment out from the others. so that motion failed so therefore we're still dealing with the full body of the amendments.

COUNCILWOMAN BUTLER: But if he's calling the question, I'll second it.

COUNCILMAN FLEMING: I'm sorry.

COUNCILWOMAN BUTLER; If you were calling the question, I'll --

COUNCILMAN FLEMING: I did not refer to calling the question but thank you for your comments.

I was hopeful.

PRESIDENT TANDY: So that answered your --

Yes.

PRESIDENT TANDY: Okay.

Counsel -- actually let me state this we are at the point now where we're starting to repeat people who are speaking so if there's nothing new here then I believe it's time for us to go ahead and vote on what we have before us if that's the will of the body and we'll move forward from there now with that being said is there any new information you would like to discuss.

COUNCILWOMAN WOOLRIDGE: Mr. President I need a clarification, also.

Councilwoman Butler just made a friendly amendment.

I think it was adopted by Councilman King.

So if he adopts that amendment, help me here.

Will the 15 no longer exist?

If we're basic now -- wait a minute.

If we're basing this on the quarterly unemployment figures, the 15 people I see no longer exists now is that true or not true?

PRESIDENT TANDY: Let's do this: Madam Clerk, if you would, please read the amendment again, please.

CLERK: The friendly amendment was the number of employees based on the previous quarter.

So that is what the standard would be.

Is that correct? That's what I have.

PRESIDENT TANDY: Councilwoman Butler I'll let you --

COUNCILWOMAN BUTLER: Yes, thank you.

What it is, is there was concern that you might have 20 employees but lay five of them off in order to qualify for this.

So when you come in, to the job, you're going to bring in that quarterly unemployment tax.

So that will show how many employees your company has.

PRESIDENT TANDY: So -- Councilman King.

COUNCILMAN KING: Thank you.

And if I can amplify that a little bit.

I've gotten advice from Mr. Kramer here, my legal counsel.

And along with notes being passed from the County Attorney .

And it seems that in connection with Councilwoman Butler's amendment that possibly a little more specificity would help.

Along the lines of something like the average number of employees as reported on the company's forms 941 as filed with the IRS in the previous four quarters so there's a rolling average and you don't get spikes in employees.

And if -- and frankly, I'll move that amendment without objection from Councilwoman Butler.

COUNCILWOMAN BUTLER: Yes, but that 15, Councilwoman Woolridge, is still in place.

COUNCILWOMAN WOOLRIDGE: So the 15 is still in place.

COUNCILWOMAN BUTLER: Yes.

But this is just going to give us a base on how many employees the company has.

PRESIDENT TANDY: So then let's make sure that everybody is on the same page.

Let's have that portion of the amendment that is dealing with the labor standards section as presented by Councilman King if we could have a full reading of what the amendment -- the friendly amendment -- the full amendment would be, that would be helpful for everyone.

Does someone that have in front of them?

COUNCILMAN KING: I can interpolate it if you like this ordinance shouldn't apply to subcontractors who have less than 15 employees and so certified to Metro Government by sworn affidavit.

And then Mr. -- I don't care. Someone has it one of the Bills has what I finished and given to you on a napkin.

Read it out loud.

WILLIAM WARNER: An average of the number of employees as reported on the company's forms 941 as filed with the IRS in the previous four quarters.

COUNCILMAN KING: Thank you.

PRESIDENT TANDY: All right.

Now, it is part of the -- any further discussion?

With this I will now go to Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: Yes I would amend the motion to go from 15 to 50 because I think if we're going to pick a number, let's err towards having a proper number that does include small employers.

And I don't know that 15 -- is too small.

15 is small, small employers.

I think we all want a more medium range so I move that we increase the number from 15 to 50.

COUNCILWOMAN WARD-PUGH: Second.

Second.

PRESIDENT TANDY: It's been -- that's been moved and seconded.

So we now have the amendment to the amendment before us.

Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: So he's not making that in a normal amendment.

It's not replacing his.

PRESIDENT TANDY: That is correct.

COUNCILWOMAN HAMILTON: All right.

I just want to know the order of preference.

PRESIDENT TANDY: So we now have the amendment -- the Ackerson amendment before us.

Is there any discussion on the Ackerson?

all right seeing none.

COUNCILMAN HEINER: I would just like some clarification.

Are we talking about permanent -- or full-time employees or part-time?

I'm wondering if full-time wouldn't be important here.

PRESIDENT TANDY: Turn that question to --

COUNCILMAN HEINER: The sponsor's thoughts on that.

PRESIDENT TANDY: Who are you asking the question to because we're talking about the amendment.

COUNCILMAN HEINER: The amendment.

PRESIDENT TANDY: Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: We're talking about full-time employee 40 hours a week.

PRESIDENT TANDY: Any further discussion on the Ackerson amendment.

COUNCILMAN HEINER: Would I assume from that response then this would say 50 full-time employees.

COUNCILMAN JON ACKERSON: 50 full-time employees yes that's what I thought I said.

COUNCILMAN HEINER: Thank you I missed that.

PRESIDENT TANDY: So that we're clear, as well, Councilman Jon Ackerson, are you also adopting the other language that was -- you're just changing the number itself.

COUNCILMAN JON ACKERSON: Yes just the number everything else with the average four quarters and all of that stays in. Strictly the number.

PRESIDENT TANDY: Okay.

We now have the Ackerson amendment before us.

Is there any further discussion?

Seeing none.

All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed.

No.

PRESIDENT TANDY: Madam Clerk please allow for a roll call vote, please.

Voting result: Ackerson amend to 50

JUDY GREEN: YES

BARBARA SHANKLIN: NO

MARY WOOLRIDGE: NO

PRESIDENT DAVID TANDY: NO

CHERI BRYANT HAMILTON: NO

GEORGE UNSELD: NO

KEN FLEMING: YES

TOM OWEN: NO

TINA WARD-PUGH: YES

JIM KING: NO
KEVIN KRAMER: YES
RICK BLACKWELL: NO
VICKI WELCH: NO
BOB HENDERSON: NO
MARIANNE BUTLER: NO
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: NO
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: NO
DOUG HAWKINS: YES
BRENT ACKERSON: NO

CLERK: There are 12 yes votes and 14 no votes.

No votes from Councilwoman Shanklin Councilwoman Woolridge Councilman Tandy Councilman Unseld Councilman Owen Councilman King Councilman Blackwell Councilwoman Welch Councilman Henderson Councilwoman Butler Councilman Johnson Councilwoman Flood and Councilman Brent Ackerson.

PRESIDENT TANDY: The motion fails.

We now have the King amendments before us. is there any further discussion on King amendments?
Councilman Heiner.

COUNCILMAN HEINER: Mr. President wondering if the -- are we -- excuse me Mr. President just sort of a point of order. are we talking now -- we're back to the original amendment and I think as I understand it the original sponsor of this amendment has agreed to Councilwoman Butler's modification.

Wondering if that sponsor of this amendment would also agree after 15 employees to insert or insert in there 15 full-time employees so as not to confuse five hour a week person in that number.

PRESIDENT TANDY: Okay.
Councilman King.

COUNCILMAN KING: I personally don't think I have an objection to that but that is the kind of thing that the body should probably decide.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I'm just thinking out loud, colleagues.
Would you fill out -- would you list on that IRS form --

COUNCILMAN KING: Yes, you would.

COUNCILMAN OWEN: A five hour employee.

COUNCILMAN KING: Yes. you would and to some extent the whole concept of using the 941 because then you have to decide who is full time and part time in the previous quarter. and it's going to get very complicated and on second thought I probably would not support that.

PRESIDENT TANDY: All right.
Any further discussion Councilman Peden?

COUNCILMAN PEDEN: Actually you started to answer the question that I had previously and that is the form -- it's based on unemployment numbers as I was listening to people talk amongst themselves.

Unemployment tax.

I guess my question is: Who does qualify to be listed if you hire one guy for one day, does he factor in into that list? If it's a person who works three days?

I'll use people I know firefighters work a lot of construction on their two days off between shifts.

Do they count as employees that would then when they are working their other job now get counted as someone who is not working that day?

I'm just asking anyone in the construction industry how do you decide who gets put on that form.

PRESIDENT TANDY: Anyone wish to answer that question?

Councilman King.

COUNCILMAN KING: I can tell you how you decide who gets put on the form by the way we changed it from unemployment to the payroll tax returns using the form 941s . and anyone that you pay wages or salary to in that quarter whether they are full time or part time must be included in the wages paid and in the number of employees on there. Now whether there are full time equivalents listed on there or not I don't know but I don't think so.

PRESIDENT TANDY: Okay any further discussion Councilman Heiner.

COUNCILMAN HEINER: Yes, thank you Mr. President.

I would like to move an amendment that we after the number 15 we insert full time -- the words full time before employees.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: Okay it's been properly moved and seconded.

We now have the Heiner amendment before us -- the Heiner amendment before us is there any discussion on that amendment?

Councilman Owen.

COUNCILMAN OWEN: Just on the face of it if I understood correctly, the IRS form that we're talking about would not provide a reliable guide to full time or part time employee.

COUNCILMAN KING: Correct.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Yes my thinking is we already have Metro Government and a sworn affidavit.

And I think Metro Government has the ability you know we have the revenue commission and the ability to understand whether somebody is full time or not or catch fraud.

But I think what they would be looking for is the company to certify to them and I think -- I think it's probably something easily checked.

PRESIDENT TANDY: Any further discussion.

COUNCILWOMAN WOOLRIDGE: I object to the Councilman Heiner's amendment.

I file 941s for about 23 years. And at the end of the year, my W-2s there's nothing on that form now or has it ever been that's going to distinguish a part-time, full-time, permanent part-time.

They are all just counted in numbers.

Number of people.

That is what is on that 941 form.

I would like to ask this Council to vote down that amendment.

I don't think we need it.

Thank you, Mr. President.

PRESIDENT TANDY: Councilman Downard?

COUNCILMAN DOWNARD: I'm just kind of following along here and getting confused.

We're now voting on how we're going to identify whether you get -- reach the level of people that was proposed

as a small business in a dental practice which is what I think the rest -- where we got the 15. and now we're fighting about how we're going to get to identify who the 15 are.
 And I mean I think -- I still got to go back to what are we doing here?
 We're making up numbers trying to find out how to verify them.
 I think that's valid.
 But I mean who came up with 15 and Councilwoman Green said I did and here is why I did it.
 And the intention is to try to keep the little bitty guys so they can get into things and be subs.
 I don't know how we're getting there. And I honestly have no idea whether 15 or 500 -- 500 is probably not small. But 15 I don't know.
 And I don't know that we've ever asked anybody who owns any of the companies, Any kind of company.
 So we're sitting here -- I'm just confused as to what we're doing As a legislative body.
 We're creating a law that everyone in this community will abide by and we're doing it based upon something we sort of came up with.
 And I agree that Councilman King it is our responsibility to make law.
 But it's also our responsibility to make informed law. and I don't know that we're informed on what number we're dealing with here with the intent of trying to have many of the items in this not affect a very small business.
 That's my point..I don't know where we are.
 And I think we're way off on the wrong kind of discussion and we've been here for an hour and a half on something and the reason is because we don't know what we're talking about.
 I mean we don't know, nobody knows, what number is a small business and we're trying to say: Well let's find a way anyway.
 So I really think we got to find a better way to do this because we're making some pretty strong decisions that are going to affect people's lives.
 You can create -- you can make jobs good for somebody as long as there is one.
 Some of those small businesses say we got the e-mails today we get them all the time the small businesses are saying I kind of have a problem with this. I'm just too small.
 Now anybody say by the way how many people are you employing on your 941 we'll ask four quarters average I don't know. Nobody did.
 I mean it sounds like a logical way to say here is how many people we pay wages to but I don't know if they are employees for very long or not.
 And some -- maybe -- what percent are kids I don't know they are employees they go on the 941.
 Are -- or your 13 children. I don't know.
 I'm just afraid that we are off onto a -- we're trying to do something and we don't know how and we need to find a better way to do it than just coming up with numbers and definitions. Thank you.

PRESIDENT TANDY: Councilman Benson.

COUNCILMAN BENSON: Thank you, President Tandy.
 To me it looks like maybe we're at the point where we may be punishing the small businesses.
 For example, volunteer -- firemen they are off every other -- two days of work -- two days of work off one day so you could have 16 firemen doing 40 hours worth of work which would be equivalent to eight employees you would really have a hard time coming up with 15 employees.
 To me when a person is starting a business, I know a lot of skilled labor who are really good at what they do but running a business is tough and know how to bid a job and so they are trying to find a lot of different ways to make sure that they can operate and they are getting people trying to pay them and we don't want to really stop people from having that initiative to try to start a business And be successful.
 But it looks like if you start a business a lot of times you have your family.
 You say, can you work for me?
 And maybe you're not really paying them but you see a future of maybe something that could be really great but you can't bid on jobs of a magnitude that you would think would be substantial because you've already got more than 15 people even though you might only have eight people working.
 Or even -- you might even have 30 people and might only have eight people you know that's working 320 hours or something.
 You know this -- I think what Councilman Heiner was talking about having other people just certify we got full-time employees or not and not go -- the quarter thing by a number of employees as we talk to me looks like we've got some problems with that. Thank you, Mr. President.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. President. This seems like a small thing.

This is sort of a nit and I heard some desire let's just leave it the way it is but small things make big differences . if you go down to project 1 and we're trying to get jobs for summer youth even if it's 20 hours a week and somebody like mechanical contractor, Councilwoman Green and I know, brings on three or four youth on a part time basis for a month or two in the summer kind of to expose them to the work now all of a sudden they are showing up on form 941 and maybe I don't know if he's a small business or not but if he was a small business this is the kind of thing that knocks him out. so by ignoring this issue all of a sudden we've hurt the youth who all 26 of us are concerned about finding a summer job or some access point and all of a sudden they count just like a full-time skilled laborer.

So this is actually an important -- an important point and if we ignore it we're actually hurting I think the people we most want to help into the workforce and that's the first-time, part-time worker.

They are knocked out if we don't insert full-time. that's why I'm asking for your support.

PRESIDENT TANDY: Councilman Heiner just so we're all clear of what your amendment is, could you read your full amendment for us?

COUNCILMAN HEINER: Okay. Full time.

Actually I'm just inserting the word in the phrase 15 employees to say 15 full-time employees.

PRESIDENT TANDY: And then continuing on with the language that says what the average --

COUNCILMAN HEINER: This is an amendment yes to Councilman King's amendment so just insert in his amendment and Councilman King suggested that the whole body decide this and that's why I've offered it.

PRESIDENT TANDY: Thank you any further discussion on Councilman Heiner's amendment Councilwoman Butler you're on the screen doesn't to speak to this amendment or no?

COUNCILWOMAN BUTLER: I think if we pass this amendment I have to echo what Councilwoman Woolridge said. It kills the other part of the amendment. And you know we were struggling earlier with how do we determine how many employees a company has.

PRESIDENT TANDY: Any further discussion Councilman Blackwell.

COUNCILMAN BLACKWELL: I just -- when we debate this and I know people are serious about the technicalities on this and it is important I agree with you on that. but to assume that we don't know what we're talking about, that we need to somehow get some expert to come in and give us this information and give us the clear definition of what a small business is crazy.

We have been at this for now several months, several months.

And you know Council members are saying that they've gotten calls from small businesses and they've gotten e-mails from small businesses.

And you know they came here with a concern about small business and why didn't you come here with a definition of what small business is if that was your major concern?

And the reason you didn't I would say and the reason none of us have it is because if we ask ten experts for a definition of small business, we're going to get ten different answers.

Everything that we've done on this ordinance from the very beginning on, when we ask a question, it will depend on who answers the question.

If you ask a business owner who has 16 employees they are going to say 16 employees at least makes a small business. If you ask one that has 20, they are going to say 20.

I mean there is no -- there is no -- there is no answer that's going to be out there that's going to satisfy.

And at some point you're going to have to make a decision about what you think the best decision is and what does actually -- what does seem to fit into a small business mode and doesn't gut the ordinance and that's the important thing, too. Because you can get to the point where if the number gets too inflated you can get to the point where you absolutely gut the ordinance and you get the number so high that everyone is a small business. Or that you can cut every project into such significantly small pieces that no one pays prevailing wage ever. and I'm not suggesting that my colleagues are trying to do that.

But I'm suggesting that if you aren't careful, that is what will happen.

You know, cut it down to where everybody is exempt and you'll basically gut the amendment -- I mean gut the ordinance. So I would suggest to my colleagues that we're careful about that, as well.

Because the bottom line is we are trying to get job opportunities and we're trying to pay a just wage.

And we're trying to make sure that those people can then be involved in our economy and lift us up and take care of us and you know be able to purchase items in our community.
We're not talking about, you know, the spiraling wages and getting down to you know erase to zero so we can be like some of our surrounding states and surrounding communities that try to pay -- that build their wealth on the backs of the workers.

PRESIDENT TANDY: Councilman Henderson.

COUNCILMAN HENDERSON: I would like to call the question.

COUNCILMAN JON ACKERSON: Second.

PRESIDENT TANDY: Question has been called.

All those in favor signify by saying aye.

Point of clarification that we are voting on.

PRESIDENT TANDY: The question -- oh, yes, I'm sorry we're voting on -- actually we're voting on the question has been called.

That's what we're voting on.

Right now.

Okay?

So all in favor of calling the question say aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed ayes have the question. Question has been called we are now prepared to vote on the Councilman Heiner amendment All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed.

No.

COUNCILWOMAN WOOLRIDGE: Roll call Mr. President.

PRESIDENT TANDY: Madam Clerk please allow for the voting.

Voting Result: Heiner amendment – full time insert

JUDY GREEN: YES

BARBARA SHANKLIN: NO

MARY WOOLRIDGE: NO

PRESIDENT DAVID TANDY: NO

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: NO

KEN FLEMING: YES

TOM OWEN: NO

TINA WARD-PUGH: YES

JIM KING: NO

KEVIN KRAMER: YES

RICK BLACKWELL: NO

VICKI WELCH: NO

BOB HENDERSON: NO

MARIANNE BUTLER: NO

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: NO

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: NO

DOUG HAWKINS: YES

BRENT ACKERSON: NO

CLERK: There are 13 yes votes and 13 no votes.
Which ones do you want me to read?

PRESIDENT TANDY: It doesn't matter

CLERK: The yes votes are Councilwoman Green Councilman Tandy Councilman Fleming Councilwoman Ward-Pugh Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Heiner Councilman Benson Councilman Engel Councilman Peden Councilman Hawkins.

PRESIDENT TANDY: The motion fails.

We now are back to our discussion of the King amendments is there any further new discussion on the King amendments?

COUNCILWOMAN BUTLER: Call the question.

COUNCILMAN KING: Second.

COUNCILMAN HEINER: Object.

PRESIDENT TANDY: Question is being called by Councilwoman Butler. it's been seconded.

Who seconded it ?

Councilman King.

COUNCILMAN HEINER: Object.

PRESIDENT TANDY: Okay. That's fine.

All those in favor signify by saying aye of calling the question, please signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed.

No.

PRESIDENT TANDY: Roll call vote, Madam Clerk, please.

CLERK: One second, sir. May I have the motioners and seconders for the calling of the question.

COUNCILMAN KING: Butler called it, I seconded it.

CLERK: Thank you.

Mr. President I have a point I thought there was an objection to calling the question.

PRESIDENT TANDY: That's what we're voting on.

Voting result: Call the question - Butler

JUDY GREEN: PRESENT

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: NO

TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: NO

GLEN STUCKEL: NO

JON ACKERSON: NO

HAL HEINER: NO

STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: NO
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There are 14 yes votes, 11 no votes and one voting present. The no votes are Councilman Fleming Councilwoman Ward-Pugh Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Heiner Councilman Benson Councilman Engel Councilman Peden -- I'm trying to see who

PRESIDENT TANDY: That was CW Green.

CLERK: Councilwoman Green I'm sorry. Yes. And Councilwoman Green voting present.

PRESIDENT TANDY: All right.

So the motion to -- the motion to call the question fails.

We are now again any further discussion with regard to the King amendments?

COUNCILMAN HAWKINS: Mr. President I have a question.

WILLIAM O'BRIEN: Mr. President may I address.

PRESIDENT TANDY: Go ahead.

MR. O'BRIEN: Based upon the rules to limit debate it takes two-thirds in this particular instance it was only a majority.

PRESIDENT TANDY: Okay.

You were correct, Mr. President.

The motion fails.

PRESIDENT TANDY: All right.

You just didn't explain why.

PRESIDENT TANDY: That's all right.

Okay. We're now back for discussion.

Councilman Hawkins.

COUNCILMAN HAWKINS: Thank you, Mr. President.

I've been following this debate back and forth with considerable interest.

And I would like to ask the sponsor a question.

I'm very uncomfortable with the number 15.

We voted on 50.

And I would ask the sponsor, Councilman King, what he would consider a friendly number.

Could we raise it to 25?

Could we raise it to 35?

I'm just not very comfortable with 15 at all.

And is there some level of compromise we can come together on?

I mean and to Councilman Blackwell's question or statement that you know we have ten experts and they get ten different answers he's quite right we probably would the only problem right now is when someone comes up to me and says how did you come up with a number 15 I have to say Councilwoman Green thinks it would be a good idea for her dental office. it's not good clear logic and I think 15 is a low number not anything against Councilwoman Green it works for a dentist office but we're not talking about dental offices here. I'm just wondering if Councilman King would possibly consider a higher number without going to the 50 that people have voted against although we were pretty close on the 50 is there something that Councilman King would consider a friendly amendment and would work with us on?

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Thank you, thanks for the question Councilman Hawkins.

No. 1, let me say this I'm glad you asked that question.

Because despite the fact that some of you might believe that the number 15 came from the number of employees that works in Councilwoman Green's office, 15 was my number.

I'm the one that put it in the amendment.

I had to make that decision after listening to more than just Councilwoman Green. I listened to quite a few of my colleagues talk about what they thought the number should be. So -- and like anything else you have to pick a spot. Pick a point.

And then listen to good debate on either side of the issue and maybe the number should be higher maybe the number should be lower I had one colleague come to me just during the recess to tell me she was going to make a motion to amend to lower it to ten. Okay. I've been waiting on that amendment.

Others have moved it to 50. I don't think that it's up to me to decide.

I think the body should have to decide what that number should be.

I understand your decision to -- your desire to try to get the sense of the body and I am trying to get the same thing.

PRESIDENT TANDY: Any further.

COUNCILMAN HAWKINS: May I follow up.

Councilman King would you be opposed to me offering up the number 35? Would that be too high a number for you or the sense you've gotten from the body that we've talked about?

COUNCILMAN KING: Mr. President.

PRESIDENT TANDY: Go ahead.

COUNCILMAN KING: Councilman Hawkins we work well together I have no problem of negotiating a number but I can tell you this that this is -- it's not up to me.

It's up to the people in here that are going to vote on this.

I personally probably believe 35 is too high. so I don't think there's a solution to this other than maybe taking you know 100 votes on every number between 1 and 100.

COUNCILMAN HAWKINS: I would like to avoid it.

COUNCILMAN KING: Me, too,

COUNCILMAN HAWKINS: Councilman King would you consider 25 as a fairly amendment.

COUNCILMAN KING: Well, again, the -- I don't know how to -- how to put it any more clearly.

In terms of -- yeah I could just say no. So I'm just going to say no.

PRESIDENT TANDY: Councilman Johnson.

COUNCILMAN JOHNSON: Having led the caucus meeting it was clearly a consensus of the caucus that 15 be the number.

PRESIDENT TANDY: All right.

Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

You know I think we're just -- some of us here tonight are just talking to hear ourselves to talk we are filibustering. and we know we are doing that because I'll tell you why and you'll recognize it and you will probably agree once I tell you you had an opportunity you had a chance to vote the 15 down with Councilwoman Green's amendment. But you all choose not to vote for it.

You know, we could have been rid of the 15.

We could have been dealing with any number by now.

You know, and I don't know if it's -- if I'm in order or not but Mr. President I would like to -- I couldn't get the previous vote because I want to call everybody in here out that didn't vote that voted against Councilwoman Green's amendment that would have taken care of the 15.

You know is it -- is there any way that we can pull up a previous vote on an amendment because we could have been through with this.

We could have been through with the 15 when Councilwoman Green said we would remove the 15.

And how many of you voted for -- ask yourselves how many of you voted for Councilwoman Green's amendment.

And we would be -- we wouldn't be talking about 15.

So some of us are talking here tonight just to hear ourselves talk. Thank you, Mr. President. But I still would like to recall that vote.

PRESIDENT TANDY: Councilman Henderson.

COUNCILMAN HENDERSON: I'm going to pass.

PRESIDENT TANDY: All right. Thank you. Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

The vote that we took was to make sure that we continued to talk about the size -- we continued to talk about protecting small businesses.

The request to withdraw the 15 would have ended the discussion about exempting small businesses so that's what we voted against was ending that discussion. So our -- to suggest to continue to debate this is inconsistent with that vote I really fail to follow that line of thinking.

The no vote to withdrawing was to say we value small business and we are very much concerned about not finding a way to protect them.

And so withdrawing the 15 simply would have said small businesses don't matter to us. and so we weren't willing to do that and the debate that has continued is using numbers the Councilwoman pointed out we could be talking about any number since then we have been talking about numbers since then.

There are several things about this that I find to be incredibly disturbing. it was suggested earlier in the evening that Republicans brought no amendments to this process.

And any of us who followed the process I'm not a member of the labor committee. but those of us who follow the process were amazed to note that the committee took up several items each meeting before discussing this ordinance.

So to say that this was in committee for months and we discussed it for months in truth go back and look over those months and what you find is in the labor committee we took up ordinances in each of those committee meetings before we even got to this. quite often when this ordinance was brought up amendments were made in the last 10 to 15 minutes of meetings. there was little time for discussion of amendments in some of the meetings a suggestion was even made look it's just an amendment we need to get it into the record we note to vote it in and we can bring it up and talk about it in the next meeting. there were members who voted no on those amendments. the amendments passed because they were in the minority when the next meeting came the labor Union or the labor ordinance was not the first ordinance taken up by the time we got around to discussing the labor ordinance there was very little time left in the meeting and another meeting was -- amendment was proffered. by the time we had discussion to discuss whether it should be passed the decision was we have to vote on it tonight to get it into the record we did that several meeting there was one meeting where the committee of five had only two committee members present and the president of the Council had to show up as a voting member in order to get a quorum and the reason it was necessary to have a voting meeting on that particular day even though we only have two committee members present is because there was another ordinance that was time sensitive and did we take up that other ordinance first?

No, sir.

We took this ordinance up.

We debated this ordinance with only two members of the committee present and at the end of that meeting finally said well we're going to vote on amendments even though there's not really been adequate time to discuss this and even though the members of the committee who most wanted to discuss that amendment weren't present.

It was voted on anyway another amendment. and then it's brought to us tonight and we're being told and unfortunately the public is hearing that you know this has been debated for months there's been plenty of opportunity if we wanted you know people to come in with testimony about what a small business is we should have foreseen this in some way we should have known this was coming.

The process from the beginning until tonight has not been a process that was open to discussion, Has not been a process that was sincerely looking for an ordinance that gets us anywhere.

It has been from the beginning and up to and including tonight we're being accused tonight of filibustering because we are concerned about issues we weren't able to address in committee.

If you don't allow for discussion in committee, what is your expectation on the floor?

You know if our frustration and if I were saying what about this question and that question we are being accused of not knowing what we're ready for here. we are flying by the seat of our pants we're trying to respond to an ordinance that we haven't had ample time to discuss.

The suggestion for protecting small businesses with a number 15 was tonight's suggestion. to suggest we should have somehow seen that coming based on the fact that we weren't given very much of an opportunity to even discuss this in committee, I just find it startling to suggest that you know somehow we are doing things that are dragging this out. and somehow -- look at the process look at the way that this went and I'm saying to the public to the press I'm saying to people who are paying attention all of this is on tape. I'm not making any of this up. It's all on tape verify it go back and look at the tapes and then please for at least tonight as long as we need to debate this let's please not accuse one party in this Council of dragging something out for the sake of getting attention. This is an ordinance that we've been frustrated with from the beginning .we've been opposed to many of the things in here we've tried repeatedly to deal with these issues and at every turn we've been squashed this is the only opportunity that we have please don't think that we're just going to sit back and accept it thank you Mr. President.
PRESIDENT TANDY: Councilwoman Green.

COUNCILWOMAN GREEN: Thank you Mr. President I don't normally get upset particularly in the Council meetings on public TV but I'm not going to sit by tonight and have my name besmirched and need to be made like I'm a blatant liar Councilman King and I have talked about the amendments that I wanted to add to this ordinance. We talked about it after a committee meeting. We talked about a range of a number. And today when I saw the number 15 written on his paper, in my mind I thought great, that sounds good. for a person in a small business like a dental medical. I don't want to take pride in saying I came up with the number 15. I came up with it when I saw 15 written, based on the range that we had talked about previously, it sounded good. So Councilman King perhaps you were not meaning it that way. But I will not let this go on record that I lied about who came up with the number. I'm saying how I arrived at being okay with the number 15. Thank you, Mr. President.

COUNCILMAN KING: May I respond?
Councilwoman Green, I apologize if you took it that I was in any way questioning your words earlier that what was in your mind was your dental office and the size of your small business. what I was trying to tell this body here, though, is that it was up to me to decide if I was going to be the mover of this amendment what that number should be. And I didn't base it on the number of employees in your dental office. I based it on listening to many of my colleagues. You -- your number was as good as any of the numbers. and you were the one that first in committee brought up the idea of having the small business exemption. we did talk about that in committee I talked about the fact frankly that there's a body of work in our code of ordinances already in procurement that has some exemptions with respect to ten employees. And I made the comment that I would continue to think about it and I did. I continue to talk to my colleagues I continued to think about it. and all I was saying was that I didn't want you to take -- you can certainly take the credit for it but I didn't want you taking any blame for me putting 15 in this number in this amendment and again I apologize if you took it any other way.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you Mr. President I just want to comment actually now that Councilman King just brought it up, that this is my understanding that in our code for procurement that we identify the small business as -- or give a preference for the small business that is 10 employees or fewer. So, you know the randomness of this isn't maybe as random as some would have you believe. And I would also say that what Councilman Johnson was saying about the consensus, that wasn't something that somebody just threw out the number and everybody say: Oh, yeah, that's great. there was considerable debate on whether that was the right number. In fact when Councilman King decided that he was going to be the mover and that he was going to move the number 15 and he will verify this, I suggested that the 10 was the better number. And I still believe that the 10 was a better number. So you know Councilman Hawkins, you know in terms of working for some sort of compromise, I feel like some of us at least have already started moving in that direction. I feel 10 is our best number that would be our best piece. I'm okay with 15. Not okay with 50. Thank you.

PRESIDENT TANDY: Councilwoman Butler.
COUNCILWOMAN BUTLER: Thank you, Mr. President.

I would like to make a motion that we change it to 10 to follow our procurement code.

COUNCILWOMAN WOOLRIDGE: Second.

COUNCILWOMAN BUTLER: And the reason I am doing this is because we're talking about construction projects here.

Small businesses that deal with construction projects are going to be those specialized businesses that come in and finish the drywall, lay the tile. Et cetera.

The small things like that.

You know they don't typically have a large workforce.

Therefore I would like to make a motion I think it's been properly seconded that we change this number to 10.

PRESIDENT TANDY: Madam Clerk you have the mover and the second.

CLERK: Yes, sir.

PRESIDENT TANDY: We have the Butler amendment before us.

Is there any discussion on the Butler amendment.

Councilmember Unsel?

COUNCILMAN UNSELD: I've been listening.

And -- to the Butler amendment I think where we have to be careful, procurement in an office is one thing. But procurement in a construction business or whatever is another one.

You start looking at projects, \$500,000 and up, we need to think about the numbers that it would take to do a project like that even though it would be considered a small business.

Some businesses have an office of five or six or seven, but when we start dealing with heavy numbers in dollars and the public's money, if we're going to be bid on it we need to make sure that we have the employees or at least the people to do the work.

Because the money is going to dictate a lot of times as to who can bid and who can't bid if you have a project of \$500,000 or \$1 million every Tom, Dick and Harry is not going to try to run in there and bid on it because they know they can't handle it.

PRESIDENT TANDY: Any further discussion.

COUNCILMAN HEINER: This is the question for the sponsor on the amendment to the amendment on whether here again the intention is if somebody you know -- somebody hires somebody for five hours and a quarter that all of a sudden they are considered an employee so in that count of ten are we talking about if they hire three people in March and a different three people in April for cleanup or whatever and a different three people in May and they show up for the quarter as nine people and they only work between all of them they only work 60 hours total for the nine people are we -- is she considering that then all of a sudden they are a big business because they have two people in the office is that her intent here.

PRESIDENT TANDY: Councilwoman Butler.

COUNCILWOMAN BUTLER: I think in your scenario an average of 9 is 3.

If you've got 3 in this quarter, 3 in this quarter, 3 in this quarter you add it up it's 9, figure out the average.

COUNCILMAN HEINER: Maybe we get some help from somebody that's filled out these forms.

But I thought on the quarterly report you list all unique employees in that quarter so unless they have the same name they would show up as unique employees so you have nine people that helped finish up this job and this job and came in to do that and two people in the office. and all of a sudden they are a big business maybe somebody else who has more familiarity with this form could enlighten us on that.

COUNCILWOMAN BUTLER: If I may I thought you said you would hire a different person here and here and here so these people won't be listed on your second quarter.

COUNCILMAN HEINER: I'm saying all in one quarter say January, February and March if I crossed over a quarter but January, February, March they have three people and need help finishing up a little job here and three people here doing a remodel project here and they had to clean up and another three people over here and two people in the office now all of a sudden they are a big business. is that the sponsor's intent?

COUNCILMAN KING: I think that you clarified it.
I was just trying to clarify -- I've prepared a few of those forms too many in my life.

PRESIDENT TANDY: All right.
Any further discussion on the butler amendment Councilman Fleming.

COUNCILMAN FLEMING: I frankly can't determine, Mr. President if we're at Al Purnell's farm making sausage there or here because I'll tell you what, this is sausage or bologna because we're sitting here trying to determine a number there's quite a few different references out there that we can pull from. and who are we and who do we think we are to say 15 is the number because we're experts. hey we're God we can do anything we have authoritative power come on let's get real there's so many other references out there that we can draw upon we can point to from the standpoint and feel comfortable standpoint that we can put a number in here to say ten is pitiful. Once again I don't know if it's Jimmy Dean or Al Purnell but it's definitely sausage.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: Thank you Mr. President I just am curious if the sponsor's intent is to assure that small businesses stay small and are relegated only to those minor parts of construction.
In her explanation she explained that you know a company the size of ten would only be able to bid on finish work or whatever and I agree that's probably true if you limit it such. so the question that I would have then is that the intent is to make sure that our small businesses stay small or don't bother bidding on these projects? I find that to be somewhat troubling. It seems like you know from an economic perspective it would seem like if we were serious if we're sincere about growing Louisville we should recognize that growing small businesses into bigger businesses and then into even bigger businesses is actually our best bet. so relegating them on major projects to the smallest portions of work and then saying oh we want you to stay small. I think that actually flies in the face of what it is we are trying to do. Thank you Mr. President.
PRESIDENT TANDY: Councilwoman Butler posed in the form of a question I would allow you to answer.

COUNCILWOMAN BUTLER: Our procurement code defines small business as ten I'm just trying to be uniform with our procurement code.
PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Yeah I was just going to -- in response to Councilman Kramer. I think that's a good point we do want to grow and we do want small businesses to grow but when they do grow then and then get in the arena with big boys then we're asking them to pay the wages of the big boys. so that's the change when you're a small business fine we have an exemption but when you step up and you're going to take a major role then you pay the wages.

COUNCILMAN KRAMER: May I respond please? What we're going to suggest then is the difference between the big boys and the small business is one person between 10 and 11 and a small business according to procurement is ten.
And so now if you've got a company that wants to play with the big boys they've got to pay the big boy wages I think it's really, really interesting for anybody to suggest that going from 10 to 11 equates going from a small business to a big business.
And that somehow now because you have 11 employees you can big the huge part of this project versus as Councilwoman Butler pointed out with only ten employees you're only going to be able to bid on the finish work and minor pieces and the only part that really small businesses can handle. So I really don't understand how we say that 11th person puts you in the position where now you can compete with you know the biggest construction companies that are coming to town.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN DOWNARD: Point of order Mr. President my name has been on the speaker list for about 20 minutes now. you've been going back and forth to everybody in the room. do we use this or don't we?
I mean I'm just asking.

PRESIDENT TANDY: Councilman Downard, as you are well aware what we're -- let me speak for myself. what I'm attempting to do is trying to allow the discussion to proceed in a -- in a very logical manner.
The questioning going back and forth before in this example between Councilman Blackwell and Councilman

Kramer is one that was allowing that thought process to flush itself out because I don't know looking at a list where people's thought process is going On this.

When we got to this point we got this point because we got to the Butler amendment now you have been on here before because we were talking about another matter all together.

So I can't determine based on looking at a list which happens some time before that whether or not you're talking about this -- we're talking about this or something else if it will be helpful what we can do moving this point forward any time we have a new motion we'll clear the list and allow for people to come back on and for them to then resign up on the list for speaking. but as it stands right now as the chair of the -- of this meeting I'm trying to utilize my own judgment which I believe everyone put me in this position because you wanted me to use my judgment to this point ; to try to you know referee this and make it as fair as possible I understand the level of frustration in here and everybody wanting to speak and if you have a point just like Councilman Heiner raised his hand.

COUNCILMAN DOWNARD: I'm raising my hand.

PRESIDENT TANDY: Thank you, sir if it's the will of the body we'll clear this list off and everybody can go back on and press the request to speak button if they so desire to do that. but with that being said Councilman Blackwell I believe you had -- you were going to respond and Councilman Heiner next.

COUNCILMAN BLACKWELL: It's always going to be a matter of one whether the number is set at 25, 35, 50 whatever.

That argument is always going to be there from 50 to 51 takes you to the big boys it's always going to be a matter of one.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. President.

The sponsor of the amendment to the amendment was talking about the procurement code and was just interested if anybody has a copy of that here to see if that procurement code talks about full-time versus part time and can give us some insight into how our Metro purchasing determines if it's a small business or not.

I suspect they are not including part time employees but I would like to find out more about that.

If not maybe a recess is in order that we can research that and come back before the vote but I'll wait for other comments.

PRESIDENT TANDY: Let me just pause right there.

Mr. Warner or Mr. O'Brien does anybody have a copy of the procurement code to the request that's been made by Councilman Heiner.

WILLIAM WARNER: Mr. President it's not in Chapter 37 of the procurement code. it's in the statutes.

We do not have a copy of the statute with me.

I'll be glad to -- if it's material to the debate or the vote, I'll be glad to walk across the street and pull the statute.

PRESIDENT TANDY: All right.

Councilman Heiner I've been informed by the clerk that she's going to pull that statute.

So that you will be able to see that.

COUNCILMAN HEINER: I would love to see that before the vote.

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President.

I apologize for asking a point of order but I just didn't really know what the rules were so I apologize.

I have a couple of things to say.

No. 1 for the people watching this, I mean I'm going to tell you something the fact that you said it's the consensus as Councilman Johnson said you sat in a room for an hour and tossed around no one in the construction business tossed around numbers and say 15 sounds reasonable.

Okay. Then you bring it here and we're told that we were supposed to have known that you were going to make an amendment of small business and we were supposed to come here with a suggestion. it's been suggested we are filibustering. I resent that badly you try to make a rule here that governs the entire community you try to define an item of small business that you have no idea what it is no one here runs a small construction business

and then we're accused of filibustering because we are trying to say what in the world is the number how did we come up with it and why are we doing this and we're accused of that I resent that and I take offense at it. And I apologize for losing my temper but I'm going to tell you what this is looking like we are a bunch of idiots. We're talking about a number and nobody knows where it came from we just made it up procurement code well it's not really in the procurement code it's in something else we'll get a copy of it and see if it does we don't know what it says we just think it's a good number. I'm going to tell you what that's just wrong if we're going to try to protect small business we ought to we are not trying to protect small business here ladies and gentlemen we all know that as Councilman Blackwell said and I will quote we may not get an ordinance -- we will get an ordinance where no one will receive a prevailing wage that's what we are here about not protecting small business not trying to get women to have work not trying to protect people the whereas is in this ordinance you want to read these there's nothing in here that says prevailing wage never it says finding jobs for people in this community finding jobs for women finding jobs for minorities.

It gets down to it says we have some unemployment. it does say competitive package of wages is that prevailing wage that's how we've defined it because that's what we choose to do. but I'm going to tell you something this is a farce. We have gone through a period of two hours talking about what is a small business and no one here runs one no one here has talked to anyone running one and the reason why nobody was asked to they found out today. that this is what we were going to do so none of you had a chance to ask. I run one.

You run a small construction bid and bid on half a million --

I didn't say that you're not going to lead me down the path I ran one for many years.

PRESIDENT TANDY: Okay. Let me -- let me throw this out here.

May I make a suggestion.

We're waiting on -- we need to get the statute that's been requested by Councilman Heiner.

Let me ask if this is the will of the body we take a five minute recess there.

Let's get that.

Everybody calm down just a little bit.

And we'll come back to discuss.

Is that okay.

Mr. President I might recommend just from some level of experience that you put an actual time on that five minutes.

PRESIDENT TANDY: I did put an actual time.

Let's say that would be 10:20 --

PRESIDENT TANDY: Let's just say 10:30.

Thank you for that five minutes.

PRESIDENT TANDY: Okay 10:30.

Thank you.

(Recess)

PRESIDENT TANDY: Will the chamber please come to order.

We are back.

We still have the Butler amendment before us, which is to amend the King amendment as it relates to the labor standards and the qualification of a small business from 15 down to 10.

That's where we are right now.

Is there any further discussion on the Butler ordinance?

Councilman Heiner.

COUNCILMAN HEINER: Thank you.

I think the County Attorney, Mr. President is researching to see if the state has anything to say.

Was able to do a search during the break on a search of our ordinances.

The only thing that came up with -- that was germane was Section 37.27.

And in the definition of small business here is for the purpose of exclusion from having any type of affirmative action plan. So it does say ten small -- small businesses of ten or fewer but the purpose we have to remember here is not for an incentive or anything else. The purpose here is if you are that small that you do not have to have any kind of affirmative action plan in your business.

So I think understandably many of us could argue for that number to be one person.

You know, rather than 10 or 20 or 30 or 40.

So I don't really feel like that's germane to this discussion.

At least calling out the Metro ordinances that it has some effect.
It really doesn't play into it.
So I would encourage everybody to vote no on the amendment to the amendment.
PRESIDENT TANDY: Councilman Johnson?

COUNCILMAN JOHNSON: I would encourage everybody to support Mary Anne's amendment. And if it is that way at least there's some previous reason for it to be at 10 that we don't have to worry about and I think we ought to go ahead and pass it.
PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.
I think it's interesting as we look to Councilman Heiner's discoveries the reason that we started this discussion was because we wanted to make sure that minority owned and small businesses were protected and we were exempting folks that had small businesses and now what we just found is the ten exemption we are using actually means that the small businesses don't have to be mindful of minorities in their action plans. so we've absolutely completely done the opposite of what the intention of this discussion first began and I hear Councilman Johnson saying that 10 is a number we should use because at least it's based on something . I would prefer personally that we use a number that was based on something that actually had to do with the size of a small business.
The Councilman from District 12 suggestion there are all kinds of -- suggests there are all kinds of experts and oddly enough the Federal government weighs in on this stuff. the United States small business administration has very clear definitions of what a small business is.
Our question here then is only to decide which type of small business we're talking about.
If we were talking about wholesale trade industries for all wholesale trade industries the number is 100 employees.

I'm not sure I believe this fits into wholesale trade industries.
I think what we're really looking at is for all trade contractors and the Federal government suggests and the US business administration that a small business is \$13 million in sales. so if we want to use numbers and we are willing to acknowledge that there are people who actually live in these world and make these decisions and if we're willing to accept that the US Federal government has done the work of defining these things for us, I would ask if Councilwoman Butler would be willing to accept the US Federal governments definition of small business and we would certainly make it \$13 million for all special trade contractors. we don't have to have all that language but \$13 million in sales I think is appropriate that's what the Federal government recommends.

PRESIDENT TANDY: You're asking that --
COUNCILMAN KRAMER: Friendly amendment.

PRESIDENT TANDY: She said no.

COUNCILMAN KRAMER: Then I make it --

PRESIDENT TANDY: Wait a minute.

Crown came I'll make it a motion.

PRESIDENT TANDY: Let's make it clean.

Let's vote on Councilwoman Butler's amendment first.

COUNCILWOMAN BUTLER: Can we hear what the County Attorney's discovered?

PRESIDENT TANDY: My suggestions we vote on that amendment first and then based on whatever happens with that one then any subsequent amendments that may need to be made then we can deal with it that way. I'll turn to County Attorney because we had asked for some additional information from statutes shall state statute.

WILLIAM WARNER: As it turns out, the state statute refers to the Kentucky administrative regulations.

Entitled 200 Section 5:075 and 076 refers to 13 CFR 1 21.201.

PRESIDENT TANDY: That's the code of Federal regulations.

WILLIAM WARNER: I'm sorry, yes. Which has an extensive array of businesses which you know we could bring those in. I didn't see anything in there that directly talked about a small construction business.

Now, it may be in there. But I didn't see it.

Sub Section 2 of 5076 defines under the subsections entitled capital construction projects defines a small

business for a single or limited trade project estimated to cost \$10,000 or less.
WILLIAM O'BRIEN: It was exempting small businesses.

WILLIAM WARNER: That's correct that's less than 10,000 it doesn't define it in terms of people of employees. It defines it in terms of the contract amount that's underbid.
10,000 or less.

And for multi-trades -- that's for limited trade projects where there's only one trade involved such as a plumber but where there's multi-trade projects the limit is -- or the limit of the- exemption is \$25,000.
To answer your question we weren't able to find anything that would help you all on either side.

PRESIDENT TANDY: Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: That Mr. President while this portion of this ordinance is important to me, it's not the component I'm most concerned about.

Just in the spirit I would ask my colleague if she would withdraw her motion and just allow the 15 to stand since at least half of the Council is asking for it to be higher instead of going lower since that's where we started just to keep it at 15.

PRESIDENT TANDY: Councilwoman Butler.

COUNCILWOMAN BUTLER: I would like to just vote on it at this point up or down.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: I was just going to point out that when we use the 10 or the 15 or whatever, it's not just an exemption to prevailing wage.

That also allows that small business to be exempt from the minority goals and the women participation goals, as well.

So when we're saying Councilman Heiner was making the point that you know this one has to do with affirmative action so it's really not germane.

Um . . . it's not too far off when we are saying that we are in fact going to exempt this small business whether it be 10 or 15 from having to try to reach those goals in terms of minority and women -- I mean women employee participation.

PRESIDENT TANDY: Okay.

Seeing none -- is there any further discussion on the Butler amendment?

Seeing none, we now have the amendment before us.

All in favor of the Butler amendment please signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: All opposed.

No.

PRESIDENT TANDY: Madam Clerk please open the voting.

Voting Result: Butler Amendment to 10

JUDY GREEN: NO

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: NO

TOM OWEN: YES

TINA WARD-PUGH: NO

JIM KING: YES

KEVIN KRAMER: NO

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JON ACKERSON: NO
HAL HEINER: NO
STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: NO
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There are 12 yes votes and 14 no votes.

The yes votes are Councilwoman Shanklin Councilwoman Woolridge Councilwoman Hamilton Councilman Unseld Councilman Owen Councilman King Councilman Blackwell Councilwoman Welch Councilwoman Butler Councilman Johnson Councilwoman Flood and Councilman Brent Ackerson.

PRESIDENT TANDY: The amendment fails.

We now have the -- back to the King amendments.

Is there any further discussion on the King amendments. Councilman Kramer.

COUNCILMAN KRAMER: Thank you Mr. President. I'll go back to something I said I don't know a couple of hours ago I guess but I don't feel comfortable -- you know to suggest that we should not be making an informed decision just -- I just can't understand the logic in that. I think I even used the word logic in my explanation. the United States small business administration defines -- this is not a recommendation. It's a definition.

Defines small business in a lot of different ways I'll go through the whole list very quickly but my motion is for the 13 million 500 employees for most manufacturing and mining industries I wouldn't consider this that 100 employees for all wholesale trade industries. I don't know if this is really wholesale trade 6.5 million for retail service.

31 million for most general and heavy construction industries.

Maybe that's the number we should be using.

31 million for most general and heavy construction industries certainly building you know a building like the arena or Museum Plaza I would think would be most general and heavy construction so I might amend this it up to 31 million you shouldn't have given me time to read the whole thing 13 million for all special trade contractors and .75 million for most agricultural industries. the only two on this list that apply in any way at least in my -- using whatever logic I can muster the only two that apply would be the 31 million for most general and heavy construction industries and 13 million for all special trade contractors.

If we use all special trade contractors then we are even going so far as saying we only want to protect those small businesses that are very specialized. And I have to tell you I think that's a mistake.

I think we should be protecting small businesses involved in general and heavy construction.

So my motion is we define small businesses exactly the way that the US Federal government does and we define them in this discussion and venue as general and heavy construction industries and the number would be 31 million dollars in sales.

That's sales.

Is that annually?

COUNCILMAN KRAMER: Yes.

COUNCILMAN ENGEL: Second.

PRESIDENT TANDY: Motion has been properly moved and seconded we now have the Kramer amendment before us.

Is there any discussion on the Kramer amendment?

Councilman Blackwell.

COUNCILMAN BLACKWELL: Just a couple of things.

First I would point out when you're talking about the Federal government you're talking about deals that are in billions of dollars generally. And also I think it's very interesting that we would argue just -- well I guess I won't say it's just short time ago because it was probably hours ago that we were just arguing over the Davis-Bacon, the Federal guidelines for where the cutoff is in the Davis-Bacon suggests 2,000 as the cutoff.

Anything larger than that should require the prevailing wage. so I think it's interesting that sometimes we like what the Federal government has to say. And sometimes that definition doesn't suit us so we don't like what the Federal government has to say so we'll argue against that.

It underlies my point again that there are a million different definitions out there.

And if you can pull out one that fits you, we can pull out several different ones that fit -- you know that fit any argument that we want to make we can find a definition for it. if all of us start Googling we can all find a definition at some point we have to make a decision and make a call I would suggest we vote this down.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Mr. President that was left from earlier.

PRESIDENT TANDY: Okay.

Councilman Downard.

COUNCILMAN DOWNARD: I would like to respond to that this is getting more cumbersome as we go.

We have -- we're told that we should have come in with a definition.

You said you could have found any number of definitions but you never did.

Instead you just went to a committee and talked about what you thought might work. you don't like what the small business of administration billions of dollars that qualifies for people for \$250,000 small business loan that's not billions of dollars it's a definition that's carefully made because they want to make sure they are not out there making loans to people that don't need them or that ought to be getting them at banks I thought it was a reasonable one.

If there are others, you know that -- there is not or not in the procurement code or not in the state contracts at least it's one recognized nationwide by Mortenson has to recognize it as well as everyone else and it seemed reasonable.

I can tell you it's again I'm uncomfortable but at least I have -- I mean I used to deal with SBA loans it's a cumbersome process but the definition keeps providing loans to the people who normally need them. and they are at a lower rate although there are fees always a fee in the Federal government. so to say you're going to have a bunch of them okay well you chastised us from not having one. we got one from the US government now you chastise us for having one and I'm not confused.

So I just -- I know we go on both sides of -- you're right we go -- if you don't like what's coming up then you just don't like it say no. I don't want an up and down vote or yes or no.

I'm kind of tired of talking about this right now to tell you the truth.

We've gone on for a long time.

And now you have a recognized expert -- a real one not one we made up along the way or in conversation and so it's real.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Yes Mr. President. I would like to suggest to the sponsor of this amendment that perhaps the individual -- because what we are talking about here is subcontractors and that perhaps the individual trade number which I think was 13 million rather than 31 may be the more -- 13 million rather than 31 may be the more appropriate number in this case and if the sponsor of this amendment would maybe consider that and comment on that, I would appreciate it.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: Thank you Mr. President and Councilman Heiner. I will happily accept the expertise of a gentleman who is involved in development as a person who spends his life in a classroom.

I understand very little about how this works. 13 million works for me. I'll amend it to 13 million.

PRESIDENT TANDY: Okay.

So that was done as a friendly.

We still have the Kramer amendment before us.

Is there any further discussion on the Kramer amendment?

Seeing none, All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed.

No.

PRESIDENT TANDY: Madam Clerk, roll call vote, please.

The voting is closing and the voting is closed.

Voting Result: Kramer Amendment - \$13 Million

JUDY GREEN: NO

BARBARA SHANKLIN: NO

MARY WOOLRIDGE: NO

PRESIDENT DAVID TANDY: NO

CHERI BRYANT HAMILTON: NO

GEORGE UNSELD: NO

KEN FLEMING: YES

TOM OWEN: NO

TINA WARD-PUGH: YES

JIM KING: NO

KEVIN KRAMER: YES

RICK BLACKWELL: NO

VICKI WELCH: NO

BOB HENDERSON: NO

MARIANNE BUTLER: NO

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: NO

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: NO

DOUG HAWKINS: YES

BRENT ACKERSON: NO

CLERK: There are 11 yes votes and 15 no votes the yes votes are Councilman Fleming Councilwoman Ward-Pugh Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Heiner Councilman Benson Councilman Engel Councilman Peden and Councilman Hawkins.

PRESIDENT TANDY: The motion fails. We're now with the King amendments.

Is there any further discussion on the King amendments?

Councilman Heiner.

COUNCILMAN HEINER: Yes Mr. President .I brought up earlier the first definition we were inserting definition of wage followed by an additional definition of wage and asked the County Attorney if he would take a look at that. And maybe just a little explanation there on why they don't contradict or why it's important to supplement the next definition.

PRESIDENT TANDY: Go ahead Mr. Warner.

WILLIAM WARNER: Thank you, Mr. President. I'll restate the answer I gave to the same question about three hours ago, which is that this amendment we were asked to prepare this amendment as a clarification and reinforcement, if you will, of the use of the terms wage and wage rate throughout the ordinance.

To the extent that it may not have been clear that those terms do not include either monetary or non-monetary forms of employment benefits but include and are intended to include as we have understood listening to the

debates and also talking to them -- and also the sponsors instructions that the intention is to have the prevailing wage apply only to the basic wage, which is paid for employment services and not for those terms are not to include as I said either monetary or non-monetary benefits.
It is our opinion that there is no contradiction between the language as Councilman King has proposed and any language anywhere else in the ordinance.

WILLIAM O'BRIEN: If I may, President Tandy. The definition states that the term wage because I think part of the confusion is between wage and wage rate. It's defined as being the same.
Referred to -- well to quote the term wage or wage rate as used or referred.
So one of the questions was there's wage rate and there's wage and they are the same based on the definition of clarification.

PRESIDENT TANDY: Okay. Councilman Fleming.

COUNCILMAN FLEMING: Thank you Mr. President. I want to comment on the term wage and then prevailing wage. I find it rather peculiar if not hypocritical that we're pulling a definition from the state and help defining what this is.

But yet, when we look at another ordinance particularly ethics ordinance where some members of this Council do not want to use that definition to insert in the ethics ordinance.

So, to say that we pull up the state statute for one ordinance but not pull it from the other ordinance, I just find it rather peculiar and like I said hypocritical.

You know the state statutes is there for us to rely upon if you're going to use it for one well we ought to use it for the other I just find it very strange. Thanks.

PRESIDENT TANDY: Any further discussion on the King -- go ahead Councilman Heiner.

COUNCILMAN HEINER: Thank you just want to make sure I understand here.

On this definition of wage and wage rate means the basic hourly rate.

But are you not including in that definition the term prevailing wage?

And I guess, you could just help a little bit we're asking the state to determine the prevailing wage but then we have a definition of wage and wage rate as the basic hourly wage. and I guess my question is does the state typically determine a prevailing wage that includes benefits or do they break that out into a basic hourly wage and benefits. Okay.

Maybe -- basic question No. 1 in this definition you say wage or wage rate.

It means the basic hourly rate.

Shouldn't that also include prevailing wage and wage and wage rate means the prevailing hourly wage.

WILLIAM WARNER: To the extent that the amendment itself is a clarification, it would be -- there would be no reason why we would object to an additional clarification if you want to add prevailing wage.

COUNCILMAN HEINER: So it might say and I guess asking to see if this would be a friendly amendment that says the term wage -- it should say wage, wage rate or prevailing wage as used or referred to in this ordinance.
Mr. President, if I could hear from the sponsor.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: I could adopt that as part of my amendment without any objection.

CLERK: a friendly amendment.

COUNCILMAN HEINER: It sounds like it's been adopted as a friendly amendment.

And the question where we're relying on the state to determine this, will the state look to our ordinance in the definition of handing us a prevailing wage. is that a possibility we can tell them kind of our format of it in Louisville. This is the form we want it in. Is that possible?

By ordinance?

WILLIAM O'BRIEN: If I may, Mr. President.

PRESIDENT TANDY: Mr. O'Brien.

WILLIAM O'BRIEN: If I understand the question is can the Council tell the director or the state the state is diagnose -- the state is required by statute in the administrative regulation to make a determination of prevailing wage based upon the criteria that's set out there, which includes public private projects, the average wage.
So they have a definition set out there.

And if we were to tell them that we want them to determine prevailing wage based upon something else they wouldn't be able to do it. they have to follow the state statute and the administrative regulations to determine that. And what we're saying here and please correct me if I'm wrong, Councilman King, is that the prevailing wage is that -- the prevailing wage that we're talking about is the same as the states prevailing wage for this area.

WILLIAM WARNER: That's not true.

WILLIAM O'BRIEN: We have disagreement here.

WILLIAM WARNER: Well, let me just explain it this way.

What Councilman King as I understand it has done is to take the language from the state statute and graft it into this ordinance.

We are not adopting quote the state statute.

We have taken the language, which has a unique and idiosyncrasy adaption in this ordinance which in my opinion wouldn't apply anywhere else because it has been put in here and tailored and carved with benefits and other things taken out and all we have left is the language of the state statute, which as I understand it was adopted because it included a definition which was satisfactory to those who asked us to put it in.

And I do agree with my -- yeah with my boss that there's nothing -- well I am allowed to disagree occasionally.

Very rarely. I wouldn't dare do it outside of the public eye. All right.

Just answer the question. No, I think that there's no intention and even if there were an intention the Council would have no authority to pass an ordinance which purports to tell the state how to compute a prevailing wage. They have their method. This ordinance has its method and it's very unique to this situation.

PRESIDENT TANDY: Okay. Councilman King I'll let you respond to that.

COUNCILMAN KING: I would like to amplify the definition talks about the term basic hourly rate.

I took that to mean the wage rate paid per hour

not including benefits.

I thought that's what that meant by basic hourly rate.

The only confusion -- in fact we took out the word benefits early on in this thing.

Because some employers won't have the same health insurance plans.

They won't have the same you know benefits.

I wasn't interested in forcing all employers to have health plans what I was interested in was asking all employers if they were going to use taxpayer money to at least offer their employees access to health plans. and we also took out the retirement plan retirement -- requirement in here to lessen the burden on those employers that are relatively small that don't have 401Ks or whatever.

So, the only reason frankly that it came up today in my mind before this meeting and the reason we put this in here is in reading the newspaper article in the Courier Journal they talked about the fact that the real significant difference between what is paid to unions and paid to non-unions are the benefits so I was trying to make it clear that when we define prevailing wage in here we are talking about the basic hourly rate and we had already addressed the benefits not being included in here as a requirement.

And it could be that some businesses will offer the same benefits.

Some won't. The unions might have better benefits.

So their bid might have to be higher.

And so be it.

That's just the way it's going to work out.

But we made a policy decision early onto not require employers that want to do work to provide healthcare but to provide access to healthcare and to provide 401Ks not to provide 401Ks that type of thing because we felt that was an undue burden.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

In an effort again to make an informed decision and I appreciate the fact that this one -- the discussion that we're having is referring back to pursuant to -- we -- so we started with something which makes sense I'm not sure I agree with what we started with.

The way that the state determines what the predominant wage or the prevailing wage is it's not taking a look at the work -- by taking a look at the wages paid on public projects which we all know are geared towards recognizing and appreciating the work that labor does by businesses who choose to offer their input, which a lot of small businesses don't choose to participate in these discussions,

And then finally by the wages that are paid by Union contractors.

And so what the states prevailing wage actually reflects is pretty much what the Union wages are.

So what the labor Union wages are.

So when this came up in committee, members of the business community the local business community expressed their sincerest frustration with this approach.

And members of this body said to them: Well, this is the states definition of prevailing wage so if you have a problem with that you need to take it up with the states.

Well, I appreciate that the state may have a prevailing wage that works for some of the proponents of the ordinance and if the proponents of the ordinance are saying we like that rate that's fine tell people we like that rate but to say well this might not be the best way to do it but it's not our problem because it's the state that did it .when we write it into the ordinance then it becomes our problem if we recognize that this is not the most fair way then I think we have an obligation to change that. and again in the spirit of making an argument in the favor of informed decisions here, I'm suggesting that we should really be deciding what the predominant wage in Louisville is based on what the actual predominant wage in Louisville is.

and there is a formula to arrive at that. It's out there.

I don't know all of the particulars I'm not a member of the committee I have been paying attention but was not present at that meeting so I would welcome anybody that's on that committee to talk about what the local recommendation for predominant wage was that recommendation in committee was discounted and the answer was this is what the state does if you don't like what the state does, take it up with the state.

Thank you, Mr. Chair.

COUNCILMAN KING: Thank you and again with all due respect to my colleague I think that was a mischaracterization of what was said if he's talking about my conversation in committee.

COUNCILMAN KRAMER: I apologize for that characterization.

COUNCILMAN KING: That's okay I know you didn't mean it.

Because I did not say okay this is the state definition if you don't like it you need to take that up with the state.

What I said was and it was in response to what he just got through saying is that many enterprises choose not to submit their hourly rates. so by definition it's going to cause the rate to raise to something at a higher number probably closer to the Union scale. and what I pointed out to the ABC and GLI is that your problem is that you are not submitting rates for the Department of Labor and the secretary to use in the calculations.

I never said take up the definition with the Legislature or take up the definition with the state and argue that.

I simply said you all are not doing your job. If you've got a problem with it, then drive to Frankfort once in a while and take the rates up there and submit them and make sure they include them in the calculation.

And if they don't then file suit.

But if you read the literal reading of this statute, it says the private enterprise is allowed to submit their own rates and if it they are not doing it, it's their fault.

COUNCILMAN HEINER: Thank you. And I hate to belabor this but there is a critical flaw in the prevailing wage description in the first paragraph it said the way it read before amended it said the wages and benefits typically paid pursuant to KRS 337.505 and KRS 335.20 Councilman King someone is struck in benefits so now it just says the wages.

Now, if 505 and 520 included wages and benefits before as a definition for prevailing wage and now we don't want it to, we can't just strike and benefits and expect the state director to give us a prevailing wage the way we want it because that state director does it the way he's supposed to do it by state statute then as you go down farther to 505 it describes it as a basic hourly rate it doesn't say the prevailing rate excuse me.

The prevailing wage it calls it a basic hourly rate in 505 but then when we get down to 520 it talks about prevailing wages and completely drops the discussion of the basic hourly rate. so I think within this thing we've sort of -- we've said here this is what prevailing wage means but I don't think it's matching up to what the state does. and what I'm afraid of is we have a director that gives us a prevailing wage that we define as the basic hourly rate. it may already include benefits but then we're sort of stuck with that because we say no that's the basic hourly rate. so you have to pay instead of \$25 an hour you have to pay \$35 an hour as the basic hourly rate. so it's sort of -- there's a logic problem here that I think we need to get to the bottom of and I guess ask Mr. Warner or Mr. O'Brien to -- it just doesn't seem to fit with what we're trying to do.

PRESIDENT TANDY: Okay. Councilman Downard.

COUNCILMAN DOWNARD: Are we going to get an answer from County Attorneys or should I go on I've been

hearing all night about reading the state law I read it Councilman King they can't drive up to Frankfort and get the numbers any time they want. KRS 335.520 requires the Executive Director or authorized representative to conduct a hearing for determining the prevailing wage scheduled for a locality a hearing. The hearing will be advertised once in the newspaper the largest circulation from 10 to 20 days prior to the hearing date I'm told it happens once a year now then it goes on into as you have stated that the wage rates on all previous public projects constructed in locality so the arena.

Museum plaza.

All the big ones with a lot of employees are put in.

All of the public projects have to be included.

Then wage rates paid on reasonably comparative comparable private construction projects constructed in localities. Reasonably compared comparable private construction projects to the public projects.

Don't know how many those are.

But to your point every one of the 1400 contractors or 14 -- I don't know how many there are.

Somebody testimony tonight said 1400 I think. they all like to drive up on the day of the hearing and say for my 14 employees or in this case I guess now we're down to -- yeah, 14 or 15 we -- here is what my wages were.

Excuse me 16.

Here is my 16 people. do you know how many 16 people employees are going to have to go up there, employers to catch up to the arena.

Then on top of that, the collective bargaining agreements are understandings between bona fide organizations and employers locate in Kentucky applied to localities where the Public Works projects is to be encouraged again this is all done for Public Works.

Now, that means that now we have all the collective bargaining agreements and everybody that's covered by them. That's quite a few more people.

That now says -- it says that the representative will find -- get back to the original definition which says the determination as to whether the majority of employees are paid at the same rate. okay you got the arena you got all cob's and all of the -- collective bargaining agreements. there's no way a -- no way it's not go to be the wage that's why when people came here they said can we use the common wage which was described several times in the committee and they said it's the same thing. it's really not because it's done by the people who have jobs in this city and that is a different definition.

So it's not so easy to get it included. this information I just read, by the way, was sent to all of us by the gentleman who spoke tonight the business manager for locale 576 I quoted everything that was in here I didn't make it up.

KRS 337. 522 isn't mentioned anywhere in our law it's just the one that governs how we come up with the wage rate so I wish we would have done that. but you know we have to read all of this stuff and I'm a little confused that we're coming up with this but I think I want to go back that I think your attempt to eliminate the discrepancy in the benefits I think goes a long way.

I'm not finished but when it does I think we need to deal with how we come up with that rate.

And I think we also need to sort of try to understand 15 people you get back to the small SBA number we're getting closer. I'm through now thank you.

COUNCILMAN KING: I'll just very briefly respond to a couple of points.

First each contractor doesn't have to drive down to Frankfort. I'm glad you pointed out that there's a hearing now everybody knows there's a hearing but the ABC can submit the rates on behalf of their members.

Second the basic hourly rate doesn't include benefits and the -- I think Councilman Heiner commented on this as well in terms of his flaw on the logic.

They develop two pieces.

The cost of the benefits and the basic hourly rate.

So that information is available.

Let me mention one other thing and that is, I keep hearing 90% of the construction workers in Jefferson County are nonunion. and if that's the case then it's hard to believe that 10% of the wage rates could whip saw this and make it lopsided to where it doesn't that the majority of the workers rates don't represent the private contractors.

COUNCILMAN DOWNARD: Two things. one ABC can't just go up and drop off all their rates because it says for reasonably comparable private construction projects comparable private construction projects to the public projects. That's the comparable.

So you don't get to just drop off anything you want No. 1 the No. 2 the only people that just used 10% was just now I never heard that I heard 13 to 14% and when you say --

COUNCILMAN KING: I stand corrected.

COUNCILMAN DOWNARD: When you say whip sawed you're including a couple thousand employees that will never be included . I just said every person governed by a collective bargaining agreement all of them get included all the people included on the arena. every single one of them. now you're talking about whip sawed then you're not talking about taking -- finding out how many jobs are comparable to the public projects, comparable to the public projects that's a qualification that knocks a whole lot of jobs out. that means when they build a new warehouse for Councilman Heiner in his business park it doesn't count so I mean -- but when somebody comes in and gets a benefit from the city of a million dollars worth of land to build two of them out at Riverport, it does count.

Well it's -- there's no comparable amount so I got to tell you, it is difficult to deal with the use of the terms.

I mean nobody ever said 10% and No. 1.

No. 2 you can whip saw when the only thing people bid and put in is yours. the people who are doing other jobs are prohibited by the definition in most cases from being included.

So it doesn't get included.

And you can say what you want. Look how they compute it.

It is at a meeting once a year and if you don't do something like a public project you have to find one of them then I can't include it. So I don't.

I just don't bid on public jobs now I'm talking about where I can't bid on anything with city money.

WILLIAM WARNER: Do you want us to answer --

WILLIAM O'BRIEN: I think Councilman King answered Councilman Heiner's question in reference to wages and benefits already. That's all I was saying.

My apologies.

PRESIDENT TANDY: All right.

Any further discussion?

Councilman Heiner.

COUNCILMAN HEINER: I still would appreciate hearing from the County Attorney we've defined -- I guess we're defining prevailing wage to mean only the basic hourly rate should we say the portion of prevailing wage or something to kind of clear that up?

COUNCILMAN KING: I don't think so.

WILLIAM WARNER: 337.505 (1) which is the section you're questioning states -- talks in terms of a wage determination.

KRS 3371001 C defines wages as including any compensation due to an employee by reason of his employment.

Including salaries, commissions, vested vacation pay, overtime pay.

Severance or dismissal pay, earned bonuses or any other similar advantages.

Clearly that definition excludes benefits,

Pension.

Health, anything else.

It talks -- it is the basic hourly rate.

That is -- that's how the state defines prevailing wage.

And that's how this ordinance defines it.

COUNCILMAN HEINER; I would like to make sure we have on the record so when KRS 3375 20 where it talks about prevailing wages the state's definition is the basic hourly rate.

WILLIAM WARNER: That's correct.

PRESIDENT TANDY: Any further discussion?

Seeing none we now have the King amendments before us.

Yes Councilman Benson.

COUNCILMAN BENSON: Thank you Mr. President you were talking about you know the wages and so I was just kind of waiting. you know down on the amendment 8.7 -- Page 7 it says for purposes of this ordinance the process cannot be broken down to several projects unless the projects are conceptually separated and unrelated to each other or encompass independence and unrelated needs of the Metro Government.

One of my problems is, for example, if the general contractor which are usually large are usually Union and if not to think that they would ever do this, but control the jobs that are going to be bid by people who are nonunion. we know that government needs to step in and be the watchdog for everything.

But even in government we have unions in our government because people don't trust the government.

They want to be protected by somebody to make sure the government doesn't hurt them.

And right now if a small company wants to bid and the general contractor is in favor of you know Union

representing the whole job, the rest of the small contractors might be locked out unless they join the Union. And so that kind of bothers me a little bit. You know, if there's a way that somebody could watch and make sure that all the jobs don't end up being all Union operators, if it is really bid on equal terms, you know government needs to be a watchdog at times but sometimes we're our own problems and I don't know if we are really the ones that control you know how the job ends up operating you know if 10% of the population in Jefferson County is Union and 70% or 60% of the jobs ends up being done by the unions is everybody who wants to bid on these jobs really have a fair time to bid.

So I -- that was just a question. I don't know if anybody could answer that. But it concerns me that the playing field becomes unlevel.

PRESIDENT TANDY: All right. Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you Mr. President.

I'm not going to answer the question there but I have another.

Yeah, I thought I understood what we were doing with that amendment until Councilman Heiner's several questions that he asked there. Now I'm a little more confused than I thought I was.

When you have prevailing wage, it includes both a wage rate and a rate that goes either toward benefits -- I mean it's listed on your check as your rate and then your benefits.

And it goes -- and it can go either to benefits if there's a benefits package that is provided by your employer or it just goes -- or it just goes on your check as an hourly wage.

So are we suggesting, does this amendment suggest that someone wouldn't get that extra money as part of the definition of prevailing wage now?

PRESIDENT TANDY: You're posing that question to.

COUNCILMAN BLACKWELL: I suppose to -- you could answer it for me Mr. President if you would like.

PRESIDENT TANDY: No.

WILLIAM WARNER: No it don't foreclose the payment. I might point out that under the statute the state statutes there's two entirely separate calculations.

One under 337505 sub Section 1 which is the section included in the ordinance deals with as I was answering Councilman Heiner's question with the basic wage.

Sub Section 2 starts off by saying an additional amount per hour equal to the hourly rate of contribution.

And it goes into for fringe benefits in fact it's called fringe benefits but these are two different types of calculations. Now, the requirement under the ordinance is that as we understand it that a covered contractor, subcontractor, developer must pay at least the prevailing wage as defined under 505.1.

They may pay.

They are not precluded from paying additional fringe benefits for whatever reason they want to.

They are not required to do so under the ordinance nor are they precluded from doing so.

I mean this as we understand it the ordinance sets a floor of requirements that must be met by a covered contractor, subcontractor, developer for purposes of the wages that includes the basic prevailing wage.

It's not required to go pay the computation under sub version 2 which might be called the prevailing fringe benefits but they are not precluded from doing that.

Does that make any sense?

COUNCILMAN BLACKWELL: I think so.

So if you're -- so an employee that is in Louisville who is making the prevailing wage according to this, would be making the same prevailing wage as an employee in Henderson according to the Kentucky definition .well it wouldn't be because it's a difference in local policy.

WILLIAM WARNER: Right there's a local computation and not only that but this ordinance requires the computation to be spread over the MSA. so again this is a very unique kind of definition of prevailing wage because in the state I believe it's by County.

I think the state statutes require basically it to be by counties but the determination or at least what the ordinance says now is that the calculation is made by MSA.

Now, whether the state is going to do that or University of Louisville or somebody we don't know,

But that's the requirement.

If I may, if I recall correctly there was an amendment because a lot of the MSA is based upon the ZIP code and the amendment is it include all of the counties that were within that so if you had half of Bullitt County in the

MSA, you would include the whole bullet County and then that allows the state -- because the state would have it broken down via County. I think that was Councilman Peden's --

COUNCILMAN BLACKWELL: That's not in the prevailing wage piece that's where we get our -- the goal for the project.

We change it from the Louisville MSA.

Right.

WILLIAM O'BRIEN: But when -- but you change the definition of MSA to include and I would assume that then would apply on the wage, as well.

You mention it.

I can't remember if Louisville was mentioned.

Yeah Louisville MSA isn't mentioned in the definition sorry Mr. President thank you.

WILLIAM O'BRIEN: Thank you for the discussion time, sir.

PRESIDENT TANDY: I'm here to serve.

Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: Yes, Mr. President as I promised earlier a long, long time ago as best my memory recalls, I would like to move that we further this to committee to an ad hoc committee established by our caucus Chairman and to thrash these issues out.

It's now 20 minutes to 12. And I know this body stayed here until 3 or 4:00 o'clock in the morning. I'm not certain that you're proud of your work product when you stayed that late.

I don't know how many people in this room are brain dead but I'm very close I'll admit to that.

This is very technical stuff. Very technical stuff.

And it only involves the future of this community.

So to say it's important it to understate the issue. And I would hope -- I don't look forward to another two or three or four hours on this matter but I'm willing to do that and I think you all are, as well.

But I would like to have some of my mental faculties about me when I address another two or three or four hours and I think we are at least another two hours minimum and I would like to see these issues go to a committee appointed by our caucus leaders And thrash them out.

And get it out. And come back here and we'll still debate it.

But at least we'll be mentally alert and a lot of these issues can be resolved through the committee process by that. So my motion is that we refer this ordinance to an ad hoc committee established by the caucus Chairman for review and then we refer to this body for action, that's my motion.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: We have the motion that's been moved and seconded.

We now have the motion before us.

Any discussion of the motion Councilman Brent Ackerson.

COUNCILMAN BRENT ACKERSON: Yes Mr. President thank you so much. just for point of clarification we have a motion to amend with a second before us.

Wouldn't that require a vote before we could then turn around and take this out.

PRESIDENT TANDY: No.

COUNCILMAN BRENT ACKERSON: Okay.

PRESIDENT TANDY: Okay.

Any discussion on Councilman Jon Ackerson's motion?

All right.

Seeing none, All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed.

No.

PRESIDENT TANDY: Madam Clerk, please allow for a roll call vote, please.

COUNCILWOMAN WOOLRIDGE: Mr. President we're not even sure whether Councilman Jon Ackerson got a second on that.

He did.

PRESIDENT TANDY: Yes, he did.

PRESIDENT TANDY: Okay the voting is closed.

Voting Result: J. Ackerson amendment – AD Hoc Committee

JUDY GREEN: YES
BARBARA SHANKLIN: NO
MARY WOOLRIDGE: NO
PRESIDENT DAVID TANDY: NO
CHERI BRYANT HAMILTON: NO
GEORGE UNSELD: NO
KEN FLEMING: NO
TOM OWEN: NO
TINA WARD-PUGH: YES
JIM KING: NO
KEVIN KRAMER: YES
RICK BLACKWELL: NO
VICKI WELCH: NO
BOB HENDERSON: NO
MARIANNE BUTLER: NO
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: NO
STUART BENSON: YES
DAN JOHNSON: NO
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: NO
DOUG HAWKINS: YES
BRENT ACKERSON: NO

CLERK: There are 9 yes votes and 17 no votes.

Those voting yes Councilwoman Ward-Pugh Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Benson Councilman Engel Councilman Peden Councilman Hawkins.

PRESIDENT TANDY: The motion fails .

we are back to the King amendments along with their friendly amendments that have been added since before us.

Is there any further discussion on the King amendments? seeing none we now have the King amendments before us.

All in favor of the King amendments please signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed.

No.

PRESIDENT TANDY: Madam Clerk, a roll call vote, please.

Voting Result: King Amendment

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: NO

TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: YES
KEVIN KRAMER: NO
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JON ACKERSON: NO
HAL HEINER: NO
STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: NO
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There are 16 yes votes and 10 no votes those voting no Councilman Fleming Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Benson Councilman Heiner Councilman Engel Councilman Peden and Councilman Hawkins.

PRESIDENT TANDY: The amendments pass..

We now have the amended version of the ordinance before us.

Is there any discussion on the amended version of the ordinance?

Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: To continue my dialogue I would like to move that we table to a time certain this provision to our next Council meeting. For the same reason I asked for it to go to committee is that the hour is late, and we've still got much work to do.

And I don't think we'll produce our finest product between now and 1 or 2 or 3 hours that we remain this evening I would rather come back fresh two weeks from now and finish up this work product when this Council myself included --

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: Councilman Downard I made a mistake.

Because I misinterpreted Councilman Jon Ackerson's motion.

You made a motion to table to a time certain.

It's just a motion to table.

Okay.

The other one would be if you make an amendment to leave it at the Council to a time certain.

That's different. That's what he did.

PRESIDENT TANDY: Listen to me.

He mentioned to table. That's why I asked him the question.

Do you motion to table or motion to a time certain.

COUNCILMAN JON ACKERSON: Motion to a time certain being the next Council meeting.

PRESIDENT TANDY: Okay.

That's different from tabling is.

I confused the chair and my apologies.

COUNCILMAN DOWNARD: Okay.

I'm confused as well.

I think we have come a little ways tonight.

I think there is potential to -- we got two or three major issues yet we don't have threshold down yet we haven't talked -- we have talked about it we haven't talked about some of the definitions in here but I think one of the of more important things is I believe when I said I wasn't trying to play any games.

We have subjected a lot of small companies to this that don't need to be there.

I believe that if we end up with a definition that's thoughtful, we think SBA is but maybe there are other ones Councilman Blackwell might be writing there may be some thoughtful out there not just pick up and we've settled on a threshold we may end up achieving what I think is what we call kind of wanted to do is not divide the city or the Council or divide the workers in the city but to try to provide work for people in the city at a reasonable wage.

Now we have a hard time defining all of that.

I understand that.

But we're getting pretty close I thought.

And in fact I think we did get close I'm not -- my colleagues and I don't all agree with me but I think we did but I think what we have to do now is say okay if we're going to do this, let's go back and remember. these whereas talk about putting people in the city to work talk about putting women companies to work talking about putting minority companies to work. talking about putting companies to work .talking about trying to keep workers here and not have people come in here and take those jobs which is extensively accused, alleged by many people all over the spectrum in terms of what's going on down at the arena. I know Jim tells me it's not true and studies that say it's not true but it's hard to believe when everybody is involved. and the people hitting the street every day say it is so I have to be careful I think we ought to be able to come together that affects the people we're talking about.

And then not have it apply to -- we have to have to have ten people to keep track of these things but to have a threshold that makes sense to all of us.

I don't have the answer right now. my answer would be too high. I understand that but I'm ready to look at that because I think if we just reach something that says the smaller companies are not involved. if it is a small job they may be but they are the only ones that want to do it.

And so I think it's going to be interesting and I think we can come together I believe that I just talked to several of my colleagues. they don't all agree with me. Some do.

And that's probably the best I could ever expect I usually don't get very many at all but I think we can come together and his suggestion makes some sense if we actually sit down not 10, 15 people but caucus leaders have authority to pick people who they think can do the good job on it.

And then I'll assume the sponsors will be involved so let's try to come up with something if we can't we'll come out here and have the same fight but it will be a short one and we will have given an honest effort to try to find the answer that we won't we've made some changes tonight that I think that are acceptable to lots of different kinds of people but we haven't talked to any of them. and I think there are a couple more that people are talking about. I just heard about one of them and that is that may be acceptable.

It might be to me I don't speak for anybody but me so I would ask -- I don't think we go past next meeting folks we have talked about this tonight for four or five hours which probably more serious than we have in the last five months and I think now that we've defined the issues. and we don't come in with 55 amendments I think there are three or four issues we ought to be able to agree or disagree and move on .and I think that's important and we owe it to ourselves to do that because we might be close and I think that's where we should be ending up and. if I'm wrong I apologize.

PRESIDENT TANDY: All right.

Any further discussion all right seeing none we now have the motion before us.

All in favor of Councilman Jon Ackerson's please signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: All opposed.

No.

PRESIDENT TANDY: Madam Clerk a roll call vote please.

CLERK: Councilman Hawkins can you tell me your vote okay.

Now you're okay.

Voting Result: J. Ackerson – postpone to time certain

JUDY GREEN: NO

BARBARA SHANKLIN: NO

MARY WOOLRIDGE: NO
PRESIDENT DAVID TANDY: NO
CHERI BRYANT HAMILTON: NO
GEORGE UNSELD: NO
KEN FLEMING: NO
TOM OWEN: NO
TINA WARD-PUGH: YES
JIM KING: NO
KEVIN KRAMER: YES
RICK BLACKWELL: NO
VICKI WELCH: NO
BOB HENDERSON: NO
MARIANNE BUTLER: NO
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: NO
STUART BENSON: YES
DAN JOHNSON: NO
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: NO
DOUG HAWKINS: YES
BRENT ACKERSON: NO

CLERK: There are ten yes votes and 16 no votes.

Those voting yes Councilman FLEMING Councilwoman Ward-Pugh Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Benson Councilman Engel Councilman Peden Councilman Hawkins.

PRESIDENT TANDY: The motion fails.

We now have the amended version of the ordinance before us.

Is there any discussion on the amended version of the ordinance?

Seeing none --

Yes.

All right.

Who was it that raised their hand.

COUNCILMAN JON ACKERSON: I did.

PRESIDENT TANDY: Go ahead Councilman Ackerson.

COUNCILMAN ACKERSON: Yes in your -- in your machine is an amendment I am proposing to this ordinance this evening. And if you can find it in there I'll read it to you.

Basically on Page 5 of your ordinance there's a definition of prevailing wage.

What I have done here is delete all the language on Page 5 and Page 6.

And Page 7 through Paragraph C, which is the definition of the prevailing wage.

So I am -- in your machine I'm going to read into the record the substitution for that definition.

And by way of background I'll tell you where this definition came from.

And why I'm proposing it.

This definition was discussed in committee although not approved in committee.

But this definition of prevailing wage was offered in committee.

It was supported by the Greater Louisville -- Greater Louisville chamber.

It was supported by the African-American Business Alliance.

It was supported by Hispanic and Latino Business Council.

And was supported by the National Association of Women Business Owners.

Now you can say Greater Louisville Inc. is business.

Okay.

Well, business supported that. but so did the African-American Business Alliance the Hispanic and the National Association of Business Women as a matter of fact Mrs. Lisa Cates was here tonight to speak to us on behalf of NABO. and what this definition is was a compromise that they felt that they could live with between prevailing wage and no definition at all.

This new definition is a common wage definition.

It's not tied to the state and not tied to statewide standards it's tied to Jefferson County standards.

Whether those standards are better or worse than the state but they are standards we live by.

And what this amendment does and I'll read it into the record now the language.

it defines prevailing wage as a wage that's customarily paid by classification skill level and trade on all construction projects private and public located within the city and/or County.

Wages submitted must be County specific to establish a scale of the most commonly paid construction wage.

The building and trade Council associated builders and contractors and other interested parties will submit wage rates to the Metro Louisville economic development department.

The Metro Louisville economic development department will compile submitted wage rates and create an average wage rate utilizing only information submitted by the above parties.

The rates will be established for a period of one year and reestablished annually.

Now we're not establishing a new bureaucracy if that's the word you want to use is already in there but we're redoing it within the confines of Jefferson County.

We're establishing an average wage rate not Union which we acknowledge would be the highest and not a scab labor wage for lack of a better term. it's an average of both of them.

This means that someone who wants to locate a business here in Jefferson County would not be paying a premium of prevailing wages and would be more cost effective in the overall project . yet it would be a fair wage that's part of the prevailing wage theory and doctrine is pay a man a fair wage and this is a compromise that I think we can live with even though it was not voted out of committee. I think you all can accept it certainly needs to be discussed even if you do reject it.

And it is a provision that I think would make this bill a more palatable bill.

A bill that would be better for our citizens.

You know I look at this prevailing wage as not a Union issue.

Not even a working man's issue I look at this bill before us, this ordinance as economic development.

Or lack thereof.

After all we're not an island unto ourselves we are competing with surrounding cities and states we are competing with Nashville who has some form of this we're competing with Lexington and Birmingham and Columbus, Ohio which has none and the Kentucky League of Cities that says no one has this kind of provision in our state so we have to be competitive.

If we want jobs we've got to have business.

If we want business we've got to be able to attract them to this community and they've got to want to come to this community and as a part of that to protect our minorities which this bill does or attempts to do to protect women and also make it affordable for someone to want to build their building here versus one of these other sites in our competing states is very important to us.

In my opinion, this will be one of the most important votes we make on this bill and we have to do it right. not so much for our sake but for the sake of this community and its future . I would urge you to consider that as a part of this amendment I'm also asking you to go to Page 12.

And on Page 12 actually starting on Page 11, we are taking out the provisions that reference -- excuse me let me back up. It is getting late. Page 9. I'm sorry.

And what we're doing on Page 9 is we are taking out Paragraph F which says -- which ties us into the contractors and training program established by the US Department of Labor and the Kentucky labor cabinet now why are we taking out that provision and why am I proposing that the training be tied into the US Department of Labor and the Kentucky labor cabinet?

And the big boys the big players have these requirements.

They can meet this requirement.

But the small guy the guy that's 16 employees or more doesn't have -- can't afford this type of training.

They train their people on the job. They can't afford this elaborate training that's required in Paragraph F so the second part of my amendment is to delete from this document Paragraph F.

What I'm attempting to do here this evening is not gut this bill and it doesn't gut the bill.

Prevailing wage is gone. the highest wage is gone. but we have an average wage not a below average wage but an average wage here.

We are still keeping ourselves competitive where businesses are going to want to invest their dollars here in construction trade.

We're preserving the minority and the women's issue. we are going along with another group, three, four groups several of which spoke here tonight that are more comfortable with this provision than what was initially proposed. And so I would urge my colleagues to accept these floor amendments.
At this time.

PRESIDENT TANDY: Any further discussion so we have those amendments they have been properly moved is there a second.

COUNCILMAN STUCKEL: Second.

PRESIDENT TANDY: They are properly moved and seconded and we have those amendments before us is there any discussion on the Ackerson amendments Councilman King.

COUNCILMAN KING: Thank you and I see Councilman Blackwell is also logged in who may want to address some of these things first I believe Columbus, Ohio does have the same law we're talking about here because they are covered by the state of Ohio as a public authority.

Second I think that several organizations that you named as individual organizations share office space and share administrative help. they may have separate boards but they are certainly on the letterhead of those different organizations I think it says an affiliate of GLI and I think that probably means GLI is really the voice to a great extent of some of those organizations. others I'm sure they have their own Board and their own voice but I do think it's important that the public know that it's not like multiple organizations here that have no connection. Third I would say that with respect to the training in my conversations with Billy Parsons with the ABC, he was actually positive towards the training.

And I believe the ABC can provide a lot of that training.

And so I hesitate to say if unless you are a member of a Union or a very large company you have no access to training.

I don't think that's true.

And then finally I would like to ask the sponsor of this amendment if he could give me just in broad strokes what the primary difference is between -- other than who does the calculations whether it's Frankfort or Louisville.

I see that difference.

But other than that can you give me in broad strokes with a the primary difference is between your proposal and the ordinance as its currently written.

COUNCILMAN JON ACKERSON: I would be happy to.

First place on paper there's no difference.

On paper there really is none. but as a practical matter there's a huge difference not to go over earlier discussions this evening.

But to highlight that there are some people that feel like that the numbers put out at Frankfort aren't representative of the true numbers. now maybe they are right maybe they are wrong. but there's an argument made that the numbers coming out of Frankfort are really Union wages and not an average wage that those wages that are nonunion are not really seriously considered by Frankfort. now that may be a true statement it may not be but by putting it locally we have control and I know it's the Office of Mayor and so on but we have involvement in that. it's right here in our own community and the input would come from our own community and we think that we'll get a more accurate playing field by having Union and nonunion organizations submit their numbers to Jefferson County as to what we're doing here in Jefferson County.

That could result in a higher average number than statewide if the statewide numbers are accurate.

But certainly it is a local issue this is a local ordinance that applies to Jefferson County and I think we ought to keep it in Jefferson County. I don't think yes ought to defer what the wages are going to be state as much as that infinite that body thinks it is. the second thing I want to indicate is you said ABC said they have a position that they are in favor of training and they are but the standard of training that you're establishing in this ordinance is extraordinarily expensive and complicated regulation-wise for a small business entity that can't afford the staff and the time to put on the kind of programs that are required by these Federal agencies.

So there's still training involved.

But it just -- it prices the small guy out when you put the bureaucracy that this provision has by having the late Federal standards involved with the training process rather than applying the individual companies to provide training.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: First on the training let me just say I believe that the ABC can provide accredited training at a reasonable cost No. 1.

No. 2, it sounded as though you were saying that the prevailing wage calculation done in Frankfort is done on a statewide basis and that isn't true the wages in the calculation of prevailing wage in Frankfort is only done with respect to locality where the wages originate. that's an important distinction that I think -- I think that you said otherwise.

COUNCILMAN JON ACKERSON: I would say this the idea behind is to have local control. this is our ordinance to apply to our County and to have local control and local data from the local body the economic development people is appropriate. we don't have a bogus group nobody is suggesting that a group isn't going to be fair and accurately reflect what the average wage as it's supposed to be at the state level . but I think some people feel like we'll get a more level playing field on establishing that average wage right here in our own neighborhood than we will get in Frankfort.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: I'm sure some people do.

And some people don't which has been while we're still here at midnight I would point out one thing too I was going to say a few things Councilman King did and I think you did a nice job of pointing those out the GLI connection and all those groups are really GLI connected.

And it would be the same as if we had right now instead of having one voice from labor we had each individual Union come up and say then say see there's a great variety of people who are speaking on this. the other thing I would point out too is I challenged when they spoke about this in the committee I challenged Joe Reagan and the other groups because the only people that they brought in to speak about it were contractors.

And people that were on the business end.

So I said to them you know again you keep saying to us that you have these workers out there that are nonunion and that's the majority of people and so I challenge you bring those workers in.

Because in my mind that's what this is about it's about workers and it's about the workers getting a just wage.

So I challenged -- I asked them to bring in if the African-American Business Alliance is that what it was and the Latinos and the women for them to bring forth employees of theirs who were opposed to getting paid prevailing wage and wanted this wage instead.

And strangely they were not able to produce those people nor were they able to produce them today and when we fill the room today with labor, we didn't get one person.

We got the same people that came and spoke. the same contractors came and spoke.

ABC came and spoke but they didn't bring a single construction worker with them to come out here and say we don't want prevailing wage we want the city to determine a lower wage than prevailing wage and that's what I'm waiting for.

I want to see a big outpouring from workers who say you know what you're right.

Enough is enough we don't want to get paid.

We really want the company to make more money.

COUNCILMAN KRAMER: Thank you Mr. President.

I just wanted a clarification actually.

When we look at F, it talks about participation in all projects contractors in the formal training program.

The implication here is not that the formal training program necessarily take place within the employer. am I interpreting that correctly? that a member of a business say a small business who may not be able to afford the training themselves could certainly enroll or find an opportunity for their person to get the training that they need. In some other way. am I understanding that correctly.

COUNCILMAN KING: I would agree with his interpretation.

COUNCILMAN KRAMER: Thank you.

COUNCILMAN PEDEN: I would quickly like to talk about the prevailing wage issue that Councilman Blackwell just brought it up. because he brought it up twice. we had testimony in committee that the difference between prevailing wage and non-prevailing wage or Union wage and nonunion wage at least in Jefferson County was insignificant I believe was some of the things we heard. and yet I believe the cute little equip that Councilman Blackwell had earlier was that if you want to play with the big dogs you have to pay like the big dogs which tells me there's enough of the difference that it makes somebody feel like a big dog . and if we're here trying to prevent -- if we're here trying to protect the little guy, jacking up their payroll isn't the way to do it. So I would like something again in support of Councilman Jon Ackerson's amendment to say they -- that kind of

brings it more local and more inclusive and something that the city can control.

PRESIDENT TANDY: Councilman Downard,

COUNCILMAN DOWNARD: Thank you I would like to respond to a couple of things that just keep on getting said.

Columbus, Ohio is governed by a state law requiring prevailing wages on public projects.

They are presently discussing as of an interview on Tuesday.

They are discussing a prevailing wage for public private partnerships but no action has been taken as of that interview.

A discussion the suggestion by two people now. I can't believe that people in this Council are letting this go by that NABO and the African-American Business Alliance are just parts of GLI.

Let me tell you something are any of them here because if they are still here you ought to ask them.

You know they got together for I think the first time.

The Hispanic group I don't think was together with any of them ever before it brought them kind of together that's an affront to those organizations.

They are not subsidiaries.

Now we talk about the employees have not come forward and said boy they want to make less money. well let me tell you something neither have the Union employees we saw 100 of them here tonight. we got testimony the other day over 12,000 of them that's not true either I'll give that to you in a second. but all you have is the bosses we're building dues.

So that's part of it.

Now we had testimony that this 10% number nobody ever said.

Let me tell you what the bureau of labor statistics says. state of Kentucky January 28th, 2009 there are 86,899 private construction jobs in Kentucky.

10,343 are Union in the state of Kentucky.

Not represented by the Greater Louisville.

That is 11.9%.

Nationwide 8,561,000 in 2007 were total Union were 1,193,000, 13.9% nationwide now. 2008 900,000 jobs were lost in the industry there are now 7,652,000 jobs nationwide.

1,195,000 jobs were Union.

15.6.

It's gone up.

Now, let's -- we got to get through some of these things.

Let me just say one more thing.

And I want to -- Councilman Blackwell's is quoted in the paper.

I'll quote it .what this really affects is the profit margin for the contractors. he alluded to it just a second ago. who makes the money we think employers need a share to share in it that's what we're fighting over my question. will the employees sign on the dotted line for the loan that pays those wages and will they put their homes up as collateral for the loan that makes those wages because almost every contractor I've ever met has a line of credit with the home on the line then they be like an owner. they ought to share in it these little jibes are nice they sound cute they don't hold water when you talk about someone started sharing share in the risk come on help make that bid and by gosh if you make it wrong and lose money throw your check in. it doesn't work that way in return for that you get something for the risk. and if you want to share in it, I'm sure they would love it.

That was a quote I know you have your hand up but that was a quote in the paper this morning and I quoted it exactly. now I got to say we have talked about a lot of things and we talked -- we say things -- let's start looking at the facts I keep trying to pull them out these are bureau of labor statistics.

January 28th of this year.

So I mean. I'm sorry I can't keep hearing people say things. my friend he's maybe not my friend anymore but Joe Weiss stood there and said he represented 12,000 employees and that's simply not the truth. this is state of Kentucky records for the entire state 10,800 the entire state I'm tired of people saying these things the percentage was never 10.

It sounded great.

Good story.

But let me tell you the facts are the facts we have got to deal with -- let me give the other side.

The people who belong to unions deserve the right to continue working for the shops that hire them . and there are many that do.

And there are many who bid on the arenas of the world all the time.

And they do. So let's don't just sort of crash and burn on anybody.

But it's there.

And I think we sit here and try to make these stories that the whole world ought to be the same.

They are not the same. They are just not.

The Union employees will tell you there's some journey men who are darn better than an apprentice and journey men better than journey men. and they all know it and that's just a situation that you got to deal with.

I am -- I'm tired of I guess all the comments and innuendos cute little comments. they are just not true let's deal with the facts and move forward if you're going to vote for it just vote for it but don't vote for it by saying NABO or the ABA is a subsidiary to the GLI that's an insult to those organizations if they were here they will tell you that when Ron Covington sees this tomorrow . he'll see it and go nuts because it's not fair to say those things and to say they came together and brought their group in. I'm getting offended again I better calm down.

That's all I want to say. Thank you.

PRESIDENT TANDY: Councilman Ackerson.

COUNCILMAN JON ACKERSON: Yes. I want to respond to the matter.

And the question was asked how many employees want to work for less money. And I would guess nobody.

No employee wants to work for less money but I would ask those same employees do they want to work at all?

Do they want jobs?

Do they want their kids to graduate from high school and college and go somewhere else because there are no jobs here?

Their grandchildren.

How many people are going to say yes to that.

Now the issue here is not what you pay a person.

It's important what that issue is to them the real issue is the economic development of this community.

It's the growth of this community.

That's the issue that's on the table.

It's really not prevailing wage.

It's -- as big an issue as we made of that its will prevailing wage will this bill as I'm proposing to amendment make Louisville a more dynamic city to grow and attract business which attracts jobs which attracts income which allows people to stay in Jefferson County and not move away.

That's the real issue we're dealing with tonight.

And if you believe that my provision addresses the issue of being fair to the working man, addresses the issue of a good wage and will also not run off businesses and developers to other cities, then you ought to vote for it.

But if you think that the provisions in the current bill without my amendments are also going to -- are not going to be a factor. then that's another issue but I submit to you that our vote is very important for the economic future of this community and we've got to do the right thing -- community.

Otherwise Louisville is going to get smaller there's going to be less jobs there's going to be less wages paid.

PRESIDENT TANDY: All right. Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you Mr. President just a couple of things.

We have just with this Ohio thing you know I don't know.

We have the issue of Ohio and they suggest that the Ohio law says that you have to have any construction -- any time that you put -- wherever a public entity contributes funding or other direct support the project -- to a project prevailing must wage must be paid to the workers on that project that one seems pretty clear to me and so -- and I think Columbus is in Ohio.

The second was the -- when we look -- first my quote.

I stand behind my quote. I don't have a problem with my quote at all from the paper and that was accurate.

The article on the other hand I thought was a little slanted but my quote was good.

You know I think we have to be careful too of what we are talking about in terms of the business thing.

And I don't want to drive business away and I want business people to be able to make money.

I just think it needs to be balanced.

And that's where we disagree.

Where the balance is.

And I think the prevailing wage does allow for the workers to get their fair share.

That's very, very important. It's very important in my District.

I have a lot of workers, construction workers I have a lot of people in my District that work and for them to get their fair share and for them to get their fair share and bring it back to our end of the city so we can have development on our end of the city is important.

And if the wages are driven down it affects probably -- it affects my District and I don't want to say it doesn't affect other Districts it affects a lot of Districts and it affect my District in a big way and keeps us from being able

to drive the economics of our area. so it's very important to me so I agree with you Councilman Ackerson that this is a very important decision and very important -- and we have to get it right but I would suggest that you don't have it right . and the reason I would suggest you don't have it right is because when we talk about the commerce we're not quoting some radical left wing people here.

The quote about the prevailing wage not making a difference was from Jim Host who is the Chairman of the Arena authority and prior to that was the Secretary of Commerce for the Fletcher administration.

I don't think known as a radical left wing administration.

So he was the secretary of commerce, someone who one would think you would give him a little bit of benefit that he would know what would be good or bad for commerce.

And specifically, Councilman Peden asked him over and over again tried to get him to step out and say that this ordinance would harm business. And he wouldn't say that.

And then when we asked him specifically does prevailing wage harm he said no, it doesn't make a difference.

It doesn't make a big difference because the rates in Jefferson County generally are pretty close to it and you get the better workers and so on when you offer prevailing wage . so we're not -- we're not quoting some radical here. we're quoting a former Congress secretary from the administration that many of you thought it was a pretty good administration when it came to business and particularly business in Louisville.

PRESIDENT TANDY: Councilman Fleming.

COUNCILMAN FLEMING: Let me put this arena in perspective.

We keep coming back to the arena.

And if you step back and look at that situation in its totality that was a market driven situation. Government didn't interfere or step in or inject themselves into the marketplace.

Government roles in that point was to encourage and support the marketplace but yet this ordinance what we're trying to accomplish is to be a marketplace we want to step in there and I come back we keep talking about fair share of the workers and trust me we need to have fair share -- we need to get the best possible wages but you know what?

These women owned and minority owned businesses where is their fair share? they will be shut out. why let me tell you I work for a woman owned business now I hear throughout the country and there are goals in our -- that are unmet unfair practices where minority women owned businesses come in and don't have the ability to compete by having this ordinance you're going to find yourselves in a dire situation and it will be a vacuum. you'll find yourselves like St. Louis and other cities that will basically be a doughnut. you may think I'm full of it I've seen it throughout the country we live in a small world there's a big world out there if you sit and fool yourself and think let's push it through and do what we can for it you are fooling yourselves. and I would dare to say you're almost hypocrites. let me say I find it very interesting when the Cordish deal came up and there was a quote through testimony that if we were to have pushed this issue it would have killed the Cordish deal no if they push the prevailing rate it would have killed the deal you know what?

We're doing the same thing here we're pushing prevailing rates. we're going to kill not the deal we're going to kill all deals and put ourselves in a dire situation a very concerning situation that we're not going to be economically minded . Mr. Ackerson is correct in saying that economic development is critical and my point of view education and economic development are the two pillars of this community regardless -- really regardless of any community. and we're putting a dagger into our economic development with this one issue. and I think this is a litmus test for this community if we're going to be a progressive in terms of economic development or if we want to step and stay and keep our feet in a concrete and not help out our community as a whole.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Thank you Mr. President.

First Councilman Downard was offended I think by something that I said or that Councilman Blackwell said.

Probably what Councilman Blackwell said more than likely.

But I certainly didn't mean to offend any group or organization. so I want to clarify something about my comment with respect to GLI and those other organizations that Jon Ackerson referred to .obviously they have a right to their own independent voice. I'm sure they use it I don't want to argue with them. but I can tell you that none of those organizations you're talking about called me or Rick -- as far as I know or came to see us.

The only representative that represented those organizations in terms of face-to-face meetings was Joe Reagan. And he's the Executive Director of GLI . and he's also the one that presented to us the amendments that GLI would like to see made that was a collaboration of those different organizations.

So, I think that you can see maybe where I'm coming from in thinking that there is some connection between those organizations.

Second with respect to Councilman Fleming's comments, let me just say that I echo his concern about women

having opportunities and minorities having opportunities.

What we're trying to do with this ordinance is to make sure those opportunities exist.

And I would also say that I think it's fair to say that had we not established the goals for minorities in women on the arena that they would not have had as great of participation as they are actually experienced.

PRESIDENT TANDY: Councilwoman Ward-Pugh.

COUNCILWOMAN WARD-PUGH: Thank you Mr. President.

Since I think there's agreement from the original sponsor and the proposed amendment that the common wage and prevailing wage really are the same on paper, I just would like to ask that if changing that to common wage helps four or five coalitions, important coalitions, that we're trying to help here in our business community be more comfortable with this or feel like we have made some movement for them when in fact it really is just an appearance. We have some local control but really nothing has changed. I would just ask that you consider voting for this amendment again. Because everybody has acknowledged it's the same thing.

It just feels better because we have local control. Same calculation. Same input.

All those kinds of things.

But what it does is it helps half of us in here feel better about this portion.

And it helps Hispanic coalition minority owned, women owned folks who have contacted us also feel like there's been some progress on this.

Even understanding that it's just on paper alone and I would just ask that you consider supporting it for that reason alone.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Thank you I wanted to respond to a couple of items one is concerning the state of Ohio and you know they have been touted if Ohio can do it so can we/ the Governor of the state of Ohio decided one day I think it was this past September this last fall was decided to sign an executive order and said guess what all of the cities you're going to do this now/ and it's before the Ohio Supreme Court and there's really no decision yet out of the Supreme Court but I can tell you there's a big debate going on in Ohio about this.

This is just months old that we're talking about/ this is Governor Strickland but anyway the Speaker of the House said the fact of the matter is it would drive up the cost of doing business in the state of Ohio and drive jobs out of the state another political leader said we should be doing everything we can to encourage economic development and I can tell you what we're doing tonight is just the opposite of encouraging economic development.

In fact one of the whereas in the beginning of this document we talked about briefly.

Talks about how this ordinance will create jobs.

And I'm trying to think of one time that we've created an extra level of regulations and costs on business.

That's created jobs in Louisville. It's the second to last whereas.

I really don't know where that's coming from.

In the six and a half years I've sat on this Council, I can't imagine a more community damaging ordinance than the one we're talking about tonight.

And Jim Host's name was invoked here a couple of minutes ago but you have to know everything he said . he said I don't think it makes any difference on the cost of the arena.

The arena is a huge project you need a lot of highly skilled labor I agree with him. I don't think it made any difference on the arena we're talking about what, 400 million, 3, 400 million dollar project it makes a big difference on a 5 or 10 million dollar project. in fact Jim Host said when asked the follow-up question was what if we apply this to private work and he his answer was might as well hold up a sign saying not open for business here in Louisville.

So yeah, no difference on the arena.

But apply it to private work put a sign out front of City Hall not open for business which means not friendly to business so Jim Host agrees this is a bad ordinance.

Joe Reagan agrees.

Every year we give GLI 1.2, \$1.3 million and say go out there and head up the head of economic development have you seen Joe in here complaining to the Council. Never he never comes in and complains he tells us what they are doing and all those kinds of things because he wants to keep peace but this is the one ordinance -- maybe there was another one in six years I can't think of it now but the one ordinance he's come out and said you are making a big mistake. they are dedicated to economic development in this community that's what they are about is attracting jobs in this community and he's saying we're making a big difference actually the prevailing wage definition in this amendment is what GLI to try to find something, to find some common ground that's something that the minority organizations and GLI could go behind is adopting this prevailing wage rate

but as it is they are against it these are the people we told go out and get employers they know better than anybody they are against it .Joe Wise's name was mentioned earlier he was before the committee in his discussion.

You know what he said about the Cordish project he said I came to the meeting that day this is a meeting with Cordish. I came to the meeting that day and found out they took prevailing wage out of the project if we would have pushed the issue they probably would have killed the Cordish deal.

So you know we're saying this is going to help us build jobs in Louisville. well we've got a labor leader telling us in committee it would have killed a potentially \$400 million deal. if this has been in place and in fact the sponsors have been careful to exclude that deal because they know it would kill the deal so we're trying to put our head in the sand saying this is fine for economic development we're going to give people more money and employers will flock here because of it because their costs will be higher. It's nuts.

You know when we dealt with both the Cordish project and Museum Plaza we've been careful to stay out of the private areas. where it's been public projects, parking garages, flood walls, relocation of River Road.

Administration with the Council's encouragement has been able to work out prevailing wage or the various labored standards. but we've stayed out of the private side and that's the difference tonight and it would pull in in Museum Plaza although we've been careful we don't want to damage that project we've been careful to exclude it but it would pull that whole project in the whole Center City project and in the past we've excluded the private money and for good reason.

So what's the problem?

What's the problem with this ordinance I've worked for over two decades with employers mainly relocating expanding businesses because if they are not relocating or expanding they don't need any new space any office space or warehouse space or wherever.

And you know what happens when they decide they want to do a significant relocation or expansion?

They often just don't pick one city and say okay we're going to go there.

They'll hire location consultants and it's kind of like a resume. you put a job in the paper and you get 50 applications. Well this relocation consultant which typically isn't located in Louisville.

They are in the East Coast, West Coast. they will kind of come up with a list of possible cities input from the company input from other places they've worked and come up with a list. a lot of times it's a couple dozen cities and they will try to narrow the city down and have initial contact here it's probably with GLI. What's going on with Louisville. a lot of times it will be with a chief elected official with our Mayor kind of what's going on in your city and it's an in-depth search and the first step is a screen out process kind of like when you put a job in the paper and get 50 resumes you interview all 50 probably not your HR department probably cuts it to ten maybe -- maybe you talk to ten, eight, six interview detailed interview but there's a screen out process and what happens is like -- an ordinance like this where we pretty much stand alone except for maybe the state of Ohio for the last few months. but who knows where that will end up. and I think there's something in Vermont too. and somebody mentioned Denver although I can't find it except for public projects but in the people we compete against we're going to stand alone and be out there and say guess what if you come here and we give you right now 500,000 or whatever that number is if we give you this, come to Louisville come it's a great place. it is a great place come to Louisville and we're going to give you this incentive to come and at the same time with the other hand we kind of give them a slap. and say you know what we're the only city that we're not going to only control the money we give you but we're going to control your money so \$50 million project we'll put in a half a million maybe that number goes up whatever it is you'll put in 40, 50 million but we're going to control all of that and you know that's really good for everybody.

But I'll tell you something like this from an emotional standpoint that Louisville becomes a prevailing wage city for economic development incentives if it's cash from us is the kind of black mark that I don't think we make it pass -- we don't make it pass that screening process. if most of the other cities have, we're probably okay.

But we're kind of standing out alone we'll be at the top and if you're concerned about jobs in this community or putting the construction industry back to work .this is just the opposite the construction industry will have more of their friends will be sitting object the side -- on the side lines with thing the competition today for jobs is intense everybody wants -- you know Indianapolis , Birmingham they all have their own GLIs they are wining and dining and showing the best in their cities but something like this our competitors -- you give a direct cash incentive for them it's a prevailing wage city that's a Union town. nothing strikes fear in the heart of a lot of companies even though they may be a Union company but to go to a Union town .look at Detroit their economic development efforts they are doing great. Look at the whole north do you know what where the jobs are going they are going where there's less regulation of business and even the people that do have an ordinance like this it tends to be a living wage sort of a bottom level that no one on this job will make less than pick a number 9, 10, \$11 whatever but protect that level but not get into running the business.

So what is it we're trying to fix. we talk in one whereas we have an unemployment problem. is that in the

construction industry we have an unemployment problem. so you think this ordinance will help us in the unemployment problem you think it's going to attract more employers because really it's only the employers that are ultimately paying the bills to build the buildings. they may have a builder involved but you think museum plaza that it's not the businesses ultimately that will come in there and make the difference?
I don't think this does a thing in the world and I think it worsens our unemployment problem.
Another question and this came out of that -- this part I'm really concerned about.
And again this is from labor leader at the committee meeting.
And I'm trying to figure out what the problem is we're trying to fix here.
This problem is and I quote 'we're trying to prevent workers migrating from other parts of the US and other parts of the world from coming into Jefferson County and driving down the standards that we expect for the people that live in Jefferson County'.
And I'll tell you what. I don't like that.
You know I like our international affairs department an our sister city program but when somebody says something like this a leading proponent for this ordinance it sounds so exclusive to me I think we're making a big, big mistake with this ordinance.

PRESIDENT TANDY: Councilman Heiner. we have before us Councilman Jon Ackerson's amendment that deals with how we are defining prevailing wage as well as striking Paragraph F that deals with the type of training that needs to be -- or -- will be considered for a 2 point increase in terms of bid reviews.
So with regard to your comments I'm trying to understand are those comments in relationship to the amendment that's being proffered or are you talking about the overall context of the ordinance?

COUNCILMAN HEINER: Thank you for that Mr. President. They are directly on point with the proposed amendment. I thought they were, too.
And it really goes back to being a prevailing wage town versus a common wage town and I think there's a huge distinction with employers as they look at Louisville if we're one or the other.
So I'm in support of the amendment.

PRESIDENT TANDY: Thank you. Councilman Brent Ackerson.

COUNCILMAN BRENT ACKERSON: Thank you Mr. President. I feel like I'm in a living version of Mr. Smith goes to Washington right now

I would like to call the question to the Jon Ackerson proposed amendment.
Objection.

PRESIDENT TANDY: Okay we have a motion -- question is being called.

Properly seconded.

Madam Clerk please open the voting.

Calling the question.

COUNCILMAN HEINER: Mr. President this is on the question.

PRESIDENT TANDY: On the question that's correct.

Voting Result: Call the Question on Ackerson amendment

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: NO

TOM OWEN: YES

TINA WARD-PUGH: NO

JIM KING: YES

KEVIN KRAMER: NO

RICK BLACKWELL: YES

VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JON ACKERSON: NO
HAL HEINER: NO
STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There's 16 yes votes and 10 no votes.

CLERK: The no votes are Councilman Fleming, Councilwoman Ward-Pugh, Councilman Kramer, Councilman Downard, Councilman Stuckel, Councilman Jon Ackerson, Councilman Heiner, Councilman Benson, Councilman Engel, and Councilman Hawkins.

PRESIDENT TANDY: Thank you.
The motion to call the question fails.
We'll now move to Councilman Blackwell.

COUNCILMAN BLACKWELL: Thank you Mr. President I'll be very quick.
I just have to -- I'm very disappointed in Councilman Heiner because he misquoted Chairman Host in the committee meeting and actually Councilman Engel had to correct him in the committee and then tonight he comes back out and says the exact same thing knowing that he was corrected by one of his own.
The correct quote from Chairman Host was the question was if it is all private money what does that do. and Chairman Host said if it is all private money then you might as well put a shingle out front that says Louisville is closed for business. That was the situation. That was the quote. Councilman Heiner knows that.
And I wouldn't necessarily disagree with him. that's why we're not doing that tonight what we're doing tonight is saying when we've got a significant investment of taxpayer dollars that then we make some demands on the companies. And you know we don't have to interject in the free market.
We don't have to be involved in that.
The people -- those who argue that the free market ought to work on its own and we shouldn't interfere or interject, that's fine. We don't have to.
They can come here and they can set up shop and we won't ask them to do anything.
But if we're going to interject in the free market by giving them incentives and if we're going to interject in a free market by giving them a tax break . if we're going to interject in the free market for all those other things then we're saying there are going to be responsibility that go with that, too.
I would dare say that there are some people at City Block who would suggest that we interjected in the market by giving incentives to Cordish you know so incentives are interjecting into the market if you want to claim that it should be all free market and everybody is on their own then that's a whole other argument here but I think it's unfair to say we shouldn't interject in the market when it comes to the workers but we shouldn't interject.
The market when it comes to corporate welfare.
You know if we are going to interject, we are going to interject or if we're going to stay out that's fine too we'll stay out and they don't need to take the taxpayer dollars. that's their choice.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: I think it's interesting that we're suggesting that if it's all private that we should put a shingle out but if it's half a million dollars of government assistance in things like sidewalks and curbs and infrastructure that the company would or wise or the developer would otherwise have to pay to replace that that

half a million dollars on say I don't know \$50 million which is small in comparison to what we're talking about the arena is 400 and something million so half a million dollars on a project that could be multiples of millions of dollars and we're going to say that because Chairman host said all that that means that \$500,000 assistance with basic infrastructure changes that discussion completely and makes Councilman Heiner telling untruth. I can't bring myself to make the acquisition.

I'm equally amazed we're hearing these quotes tonight and the one that Councilman Heiner referred to that Dr. Wise made in committee it was really interesting if you go back and watch that tape. he was actually responding directly to a minority caucus member and what he was saying is you guys didn't want the Center City deal and -- or the Cordish deal and if you really wanted to kill it you should have voted for this prevailing wage because that would have killed the deal.

Well you know this ordinance doesn't make a distinction between good economic development and poor attempts at corporate welfare.

The reason that so many of us were so upset about the Cordish deal is because it was exactly what Councilman Blackwell characterized it as it was corporate welfare . we were opposed to that we realized that city block is struggling as a direct result of the bad decision that the Mayor made and this Council supported so for the unions and Dr. Wise to come in and say you guys should have voted with us on this it would have killed that deal we appreciate that voting for prevailing wages would have killed that deal. but we also appreciate that as well as killing deals that are in fact corporate welfare it also will kill any deal that involves legitimate incentives, incentives like repairing sidewalks that are damaged,

Incentives like if you tear up the roads we will replace them because we realize some of the infrastructure below the road needed to be repaired anyway . if you're going to tear up the road to fix the sewers and add improvements underground we can do these things we'll take on some of the responsibility and we'll pay for those things because the city in the long run will benefit that's a good economic development plan that's not corporate welfare that's good economic development . and so for you know folks to come in and say you should have used it to kill this deal and then act like it's somehow not going to kill other deals that logic just -- and again I apologize for using logic in these discussions but that logic just doesn't seem to work for me.

Thank you Mr. President.

PRESIDENT TANDY: Thank you. Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: I'll be brief, Mr. President.

As a matter of fact I had said I wasn't going to say anything else the rest of the evening I was just going to let my vote do the talking but I just cannot sit here any longer with the filibustering continuing.

And it's only continuing because the people that are filibustering know the other folk have the vote.

And I am not willing to vote for a right to work city. We need to have good benefits And good wages.

So I would like to tell all of you that are filibustering tonight and you can beat on your desk.

And I have a desk I can beat on, as well. I'm here for the duration because we know this legislation is going to pass. It is the right thing .And the only thing to do.

So that's why you all keep it going. So just go right ahead.

Thank you, Mr. President.

COUNCILMAN OWEN: Thank you Mr. President .I will try to be brief . I think as I've listened this evening and I think maybe I've commented on this and I'll really try to be brief.

We are dealing here with a significant symbol.

I think Councilman Heiner touched on it.

He talked about the fear reaching way back into the 1840s clearly back into the 1930s.

That somehow this legislation will provide a message to business interests around the world that we are a union town.

And I listened with attention and genuine interest because I don't want to dissuade capital investment in this community, building jobs.

But I think it's important to understand that really at least in my judgment and I'm making up a number here folks I cannot prove it. 85% of what we're talking about over the last six hours is that symbol.

Really. Most of the construction in this community will not be touched by this ordinance.

You can build warehouses and things in the Forest Green business park.

Or in the Eastpoint Business Center. Or at Riverport.

No substantial cash involvement of local government.

And therefore, in all likelihood, no requirements under this ordinance.

You can build high rises in downtown Louisville.

You can build subdivisions and shopping centers and amusement parks.

You can build all of these things, a very, very, very, very small percentage of the construction jobs in this community will be touched by this ordinance. What we're really talking about is the symbol. The symbol that we will somehow be understood by the passage of this ordinance that we are leaning just slightly more toward being a union town. Now, I don't see the ordinance in that way. I personally believe that merit shop nonunion folks will be freed a bit. Will be opened a bit. Will be able to compete in bidding. They are going to be bidding for sidewalk jobs under the stimulus. They already have to pay prevailing wage if they do a job for the city of Louisville that's over \$250,000. This is moving the needle slightly toward by using the language prevailing wage slightly toward the notion that a average wage higher than currently is being paid by most merit shops will be paid. So it is -- it's significant in the sense of a symbol. It's not massive as I think many of us are describing. The massiveness of what's happening here tonight, if something should pass, is the massiveness is just the fear that we are sending the wrong kind of message. I am willing to take that risk. I would also say -- and why would I be willing to take that risk? Because we're talking about all of the taxpayer dollars of all of the people in this community being directed as an incentive to a business enterprise. And that is a significant -- we're not talking about money that's raised by banks. We're talking about money that's raised that wells up the -- up from the taxpayer and using that money to assure that the better benefits can be provided to the citizens of Metro Louisville who would be doing work on these projects. And finally, finally and this will come as a bombshell will I will be -- bomb shell I'll be offering an amendment that will raise that minimum threshold to \$5 million. I'm not prepared -- let's go ahead and proceed with more discussion or I can offer that amendment right now but I want to raise the threshold to \$5 million. And I'll be prepared to offer that as an amendment. Mr. President I'm looking to you for leadership in regard to that.

PRESIDENT TANDY: Okay.

COUNCILMAN OWEN: I should be upbraided just as Mr. Heiner was upbraided.

PRESIDENT TANDY: To do what?

COUNCILMAN OWEN: I should be criticized just as Mr. Heiner was criticized for leaving the most germane part of what's before us right now.

PRESIDENT TANDY: Okay.

COUNCILMAN OWEN: And I apologize.

PRESIDENT TANDY: Okay.

COUNCILWOMAN FLOOD: Thank you Mr. President and I'll start by apologizing before I offend anybody or say something that -- out of turn. But I've been on this list several times my name keeps disappearing. I remember not too long ago that when GLI came out in support of another issue there were those members of this Council who were ready to jerk their funding because we didn't agree with what they said. And now the tables are turned and we are using them as a prime example of why we should not pay prevailing wage. Mr. Heiner said we pay them I think it's \$1.2 million every year and I submit to you that if they were bringing in jobs that paid less than what we're paying on prevailing wage that we'll pay them prevailing wage we wouldn't be using them for economic development. We would not accept mediocre pay jobs from Greater Louisville Inc. We demand the best from them. Why else would we spend \$1.2 million of taxpayer's money for economic development. And when it comes to the citizens of this community when a company is benefiting from their tax dollars, why should not the people who live in this community be some of the first to get the jobs and some of the first to get the better paying jobs. Not -- you know people move away to other places not for just a job. But a lot of times it is for better paying jobs. They stay in areas not for just a job but a better paying job. Thank you, Mr. President.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: I want to address something that Councilman Blackwell brought up and that is we are in fact with this ordinance moving into areas of 100% private money.

An example is Museum Plaza.

We are paying for a parking garage and relocation of River Road and flood walls.

Infrastructure items.

But the building itself we're not -- the building itself we're not paying for so we are moving into 100% private money . Cordish same plan. we're paying for infrastructure items and if we're going to say now that you know if we relocate the road in front of a facility that somehow that's part of the same project or we widen it, that all of a sudden that entire project becomes subject to this ordinance, you know I think we're pretty close to that.

At least in the definition of what a project is here so we are getting into the area of 100% project -- private money. thank you.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: Thank you Mr. President I would like to remind the Council that we are forced into this venue to deal with the issues which were massively avoided at the committee level so further, there have been two separate attempts by the members accused of filibustering to get this ordinance into a venue that would adequately and fairly vet the issues that are of such great concern to us. so if you define as filibuster an attempt to move something into committee to refuse to deal with things that the committee wanted to deal with and to try to find compromise and not having the opportunity to do that insisting on having the very debate that would have taken place in committee take place before this entire Council if that's how you define filibuster then the minority party stands guilty of filibuster. we are simply trying to debate the issue that we didn't have a chance to make before . I apologize for being redundant I thought I made that point before but it was overlooked or misunderstood. Thank you Mr. President.

PRESIDENT TANDY: Councilman Blackwell

COUNCILMAN BLACKWELL: Very quickly for -- if by any chance we still have any sort of viewing public I can't imagine at this point but we do you can check it on the computer tomorrow.

Just for the sake of the -- for people with this museum plaza keeps coming up and the implication is that if this was in place and Museum Plaza was required to pay prevailing wage that that would drive them away, just for the sake of clarity I want all of us to understand that museum plaza actually signed an agreement to pay prevailing wage on the entire project. So it wasn't just on the infrastructure.

They signed an agreement to pay prevailing wage on the entire project so it obviously wouldn't -- it didn't drive them away nor would it have driven them away and I find it very interesting that we're left with the one thing my colleagues are arguing in favor of is Cordish.

PRESIDENT TANDY: Councilman Henderson.

COUNCILMAN HENDERSON: You know I've been sitting here listening to this stuff and it's nothing but just arguments it's not good arguments you get completely off the whole subject and drift around every place and people if they are still awake they think it's a bunch of fools up there.

And I'm sick of it.

I'm tired of it.

It doesn't look very professional.

I know you guys got a lot more education than I do but let me tell you something when you look at it and you see it, it's just a bunch of -- it's -- in fact some guy was on a roll a while ago I thought I would go get him a church he'll make a lot of money.

This is sad I'm going to call the question again.

And let ya'll look at what happens.

I'm calling the question.

Object.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: All right question is being called.

Madam Clerk please allow for a roll call vote, please.

Voting Result: Henderson --Call the question

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: NO
TOM OWEN: NO
TINA WARD-PUGH: NO
JIM KING: YES
KEVIN KRAMER: NO
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: NO
HAL HEINER: NO
STUART BENSON: NO
DAN JOHNSON: YES
ROBIN ENGEL: NO
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There are 17 yes votes and 9 no votes. those voting no Councilman Fleming Councilman Owen Councilwoman Ward-Pugh Councilman Kramer Councilman Jon Ackerson Councilman Heiner Councilman Benson Councilman Engel Councilman Hawkins.

PRESIDENT TANDY: The motion to call the question fails.
We now have Councilman Heiner.

COUNCILMAN HEINER: Thank you Mr. President. Councilman Blackwell I feel like has made an important point.

For why this ordinance needs to be radically changed.

And when he talks about museum plaza and the fact that they did agree to prevailing wage there's a big difference between mandating from an emotional standpoint as Councilman Owen mentioned from mandating prevailing, being a prevailing wage town versus reaching that through negotiation with community leaders and that's what happened in Museum Plaza.

It was through negotiation with community leaders I guess including the Mayor, other departments.

You know one of GLI's suggestion for this ordinance that they mentioned in the last committee meeting is that instead of mandating this it be set up as goals that for these type of projects that we don't mandate it.

So we don't become that town.

But we set these up as goals and then we get a report from the administration before we fund the project.

Again I think that -- following the Museum Plaza format would be a lot better for the community than the direction we're headed.

PRESIDENT TANDY: Councilman Tandy.

COUNCILMAN OWEN: I just would -- I would like to call the question because I'm anxious to get my amendment in but I think we need to clear Mr. Ackerson either go up or down with Mr. Ackerson's proposal and then I would like to propose an amendment.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: All right.

Without objection then we'll call the question.

We now have Councilman Jon Ackerson's amendment before us.

All in favor of Councilman Jon Ackerson's motion please signify by saying aye.

(Chorus of ayes.)
PRESIDENT TANDY: Any opposed.
No.
PRESIDENT TANDY: Please allow for a roll call vote, please.

No this is not to call the question this is we're voting on the Ackerson amendment.

Voting Result: J Ackerson amendment – new definition

JUDY GREEN: NO
BARBARA SHANKLIN: NO
MARY WOOLRIDGE: NO
PRESIDENT DAVID TANDY: NO
CHERI BRYANT HAMILTON: NO
GEORGE UNSELD: NO
KEN FLEMING: YES
TOM OWEN: NO
TINA WARD-PUGH: YES
JIM KING: NO
KEVIN KRAMER: YES
RICK BLACKWELL: NO
VICKI WELCH: NO
BOB HENDERSON: NO
MARIANNE BUTLER: NO
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: NO
ROBIN ENGEL: YES
JAMES PEDEN: NOT VOTING - ABSENT
MADONNA FLOOD: NO
DOUG HAWKINS: YES
BRENT ACKERSON: NO

CLERK: There are 10 yes votes 15 no votes, one not voting.

Those voting yes Councilman Fleming Councilwoman Ward-Pugh Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Heiner Councilman Benson Councilman Hawkins member not voting is Councilman Peden

PRESIDENT TANDY: The amendment fails we now have the amended committee version before us.
Is there any further discussion Councilman Owen.

COUNCILMAN OWEN: Yes I would like to amend on Page 7 the provision under tax subsidized projects that it would now read picking up within an amount exceeding the lesser of \$5 million or 50% of the project cost.

COUNCILWOMAN WARD-PUGH: Second.

PRESIDENT TANDY: Properly moved and seconded we now have the Owen amendment before us.
Is there any discussion on the amendment?

COUNCILMAN HEINER: Just read that again, please.

PRESIDENT TANDY: Okay.
Councilman Owen.

COUNCILMAN OWEN: Yes.

The first sentence picking up *within an amount*.

There at the bottom of Page 7.

In an amount exceeding the lesser of \$5 million or 50% of the project cost.

PRESIDENT TANDY: Okay is there any discussion? Councilman Brent Ackerson.

COUNCILMAN BRENT ACKERSON: Thank you Mr. President.

And sitting through many -- the caucus discussions previous to tonight there had been discussions about setting a minimum dollar amount as sort of a threshold to try to address small business issues.

We've addressed that tonight, also, in adding a small business exception of numbers. I'm just hopeful that potentially Councilman Owen might explain what his thought process was in this new amendment that he has and educate me on why I might consider voting for this.

COUNCILMAN OWEN: I believe that I'm working toward a level of comfort in which we can get a substantial portion of this Council to support this ordinance.

I'm also trying to create a substantial threshold for smaller businesses, smaller contracts, those kinds of things so those are the two dynamics that are in my mind.

COUNCILMAN BRENT ACKERSON: So this would be -- I should consider this an additional small business exemption?

COUNCILMAN OWEN: Yes; yes. That's part of it.

COUNCILMAN BRENT ACKERSON: Thank you.

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: I've got a disconnect here because I think I know what you're trying to get to and I think it makes some sense except 50% of a \$10 deal is \$5.

Now if you've got 16 employees, you're dead.

I mean we're not exempting out small business they are all in this thing and the 50% would be -- I understand why it's there if the small businesses weren't involved in this then it would make all of the sense in the world because we're putting half the money in. I understand why the numbers are there.

We're putting half the numbers in there we ought to be able to say what's going on but small businesses they are all in there. if they have more than 15 employees which is -- you know listen that is -- that's the point where there's a business disconnect so if we're trying to say we put half the money in we get to say what's going on.

Look, I'm sort of there with you.

But when we're saying that to somebody bidding on a sidewalk, I'm not there with you.

And that's the problem.

So if it is -- I go back to what I was trying to say earlier we could get to somewhere on these things if we would just exempt out the small businesses.

And 15 people everybody thought that was wonderful but I have no idea how that makes any sense at all but there are a lot of concrete companies that pour sidewalks that have 15 people and they are all the ones that have been writing us.

It just seems like if we could have agreed on what small business was an exempted amount then we're putting 50% in it doesn't matter about small deals. because the small guys are exempt so then we're just talking about big deals and then we're okay.

We could have -- I think we could have gotten there but as it stands now it's a disconnect .so I just have a problem with it.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Thank you.

Well I understand what Councilman Owen is thinking.

He's thinking there are going to be some projects that are going to be less than \$10 million that we might theoretically put half the money up to make it happen.

And if we do that, then you know we should be able to be a player in deciding the standards.

So that makes total sense to me.

I don't see this necessarily as another small business exception.

Maybe some of you do and you might be able to extrapolate it into that.

But I think that you know in terms of the equation he's using there's a lot of logic to that.

Now, I'm not a fan of the 5 million.

I think that's beyond the pale in terms of the amount we should be going I have said in many times in many public settings I could live with a million.

If I have to live with 5 million I'll live with that a half a loaf is better than nothing at all. I would say to the people that have a great deal of interest in this that this would at this level would have covered the Cordish deal and probably most significant economic development projects that we have.

But I don't think I'll be voting for the \$5 million although I understand why some would.

I guess the other side of this coin is that we have to wonder what the executive branch is going to do.

And if we send over something that they can't live with and we don't have 18 votes to override a veto then everyone we've done here tonight is mute.

So again there is -- there is some benefit to having a higher dollar amount that the administration can live with but I don't think I'll be voting for this dollar amount.

PRESIDENT TANDY: Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: Yes I like Councilman Owen's raising it to 5 million but he seems like he giveth with the left and taketh with the right by putting over 50% of the cost of the project if I characterize it, whichever is less.

And so basically if I'm going from a 5 million to now to use Councilman Downard's position maybe a \$100 project or a \$5,000 project or whatever I think it's the wrong approach.

I really don't -- if the intent is to raise the threshold then why the over 50% is in there. I don't understand that and maybe the proposer of this amendment can explain it to me and I can grasp but right now while I like the 5 million I don't think the 50% of cost whichever is less it should be you know -- it just should be -- before it was 500,000. It should be raised to 5 million in my opinion or some other number . but adding the language or 50% of the cost of the project whichever is less if I have written it down in my notes correctly is something I have a problem with.

PRESIDENT TANDY: Councilman Kramer

COUNCILMAN KRAMER: Thank you Mr. President.

We keep throwing out other places that do these things with labor and St. Louis has come up.

At this point I think if we're going to bow to St. Louis, St. Louis' threshold is \$20 million so the 5 million that Councilman Owen is offering is like 15 million short of the agreement that has been held up as you know here is an example of a city as Councilman Peden points out four hours away from us. we should follow their lead let's follow the lead \$20 million is their threshold it doesn't have 20 million or 50%. it's 20 million if we have 20 million dollars of skin in the game then I think we might be at a place where we can come to some agreement.

PRESIDENT TANDY: Councilman Peden.

COUNCILMAN PEDEN: I just -- I have an anecdotal question for the County Attorney and that would be on NDFs where I've put in -- I mean it may even have been my idea and I give it to an HOA who will build a signature entrance or I gave Councilman Owen will remember when I gave a significant portion of money to the pen run cemetery association to rebuild and reconstruct the historic section of the cemetery as a 50% threshold I know I've put in more than 50% of what they will expend so now do they have to go back and refigure? And do they have to make sure they pay prevailing wage on anybody and everybody they are.

PRESIDENT TANDY: Mr. Warner, Mr. O'Brien.

WILLIAM O'BRIEN: We were discussing it.

I'm not sure the NDF would be covered by this ordinance.

But even assuming that they are, you are giving the money to the public works department.

And the public works department would then be responsible to bid it out, that procurement policy.

I've given it to the Penn Run cemetery association.

How -- why would you do that.

Because if I'm not mistaken that's what you told me to do but I don't really remember.

Point of order I think we gave it to the historic preservation.

That's right.

Because they knew how to do the historical renovations and we ran it through them so they could oversee the

project.

Set that project aside.

The question is on an NDF if we give it for a capital project where construction is involved and we have more than 50% of it in there, does this law apply?

WILLIAM O'BRIEN: Let me go back to exactly what's covered under this.

I mean the question is is the construction project funded through -- well we took -- general obligation bond, no. Direct Metro payment yes.

But you're paying it to -- it's offered by -- it should be covered by our own internal procurement rules because you're supposed to do it through the departments who then issue it out.

You know there are times when that evidently isn't been done.

I'm looking at generic that the city has 50% of the skin in the game and we're putting up a playground at Jefferson County school.

That's a policy issue.

If you think it should be covered --

I don't think it is.

I don't think so.

But that's a policy consideration.

If you want to cover it to ensure that it is --

COUNCILMAN PEDEN: I guess I'm bringing it up as -- I mean this is a side effect we haven't considered, either and I want to -- this is another one of those issues that answers it's a great to answer one question but brings up ten more so thank you Mr. President.

PRESIDENT TANDY: All right. Councilman Blackwell.

COUNCILMAN BLACKWELL: Just briefly I don't think -- I don't recall the conversation where people were pointing to St. Louis as the example other than Councilman Fleming I think was the only one that mentioned St. Louis as an example I certainly didn't in my other sponsor I checked with him didn't use St. Louis as being an example of where this isn't effective.

And you know that we were modeling after St. Louis in any way, shape or form.

PRESIDENT TANDY: Councilman Downard.

COUNCILMAN DOWNARD: Let me just bring the example that we did tonight Item 30 on the agenda.

We appropriated \$20,000 from three Neighborhood Development Funds through the Department of Finance administration kind of a Metro payment to historic locust grove for roof repairs, the cost \$30,000.

Two-thirds city money. And now goes to prevailing wage I don't know how you can compute that any other way that's Metro dollars of direct payment that was tonight we approved it NDFs we're doing sidewalks. sometimes we're building them directly. And we sometimes are doing them with another money coming in.

But it is coming out and you're going to say we do this through -- I've got one where it's going to be 50/50 and it's going to go through Public Works for 50% direct Metro dollars.

The developers pays the other 50%.

And we're in. So now it just changes the dollar amount and that is I think . again I think we're going to get stuck on this.

And the people doing those two jobs the roofer, the small company.

And the guy doing the sidewalks is a small company.

And they are in. That's who we tried not to affect.

And so that's it. I'm sorry.

PRESIDENT TANDY: All right.

Thank you. Councilman Owen.

COUNCILMAN OWEN: Yes colleagues I wonder struggling and responding if we -- if that last clause 50% of the projects costing more than \$250,000.

That might be a way to move this along a little bit.

And may I say that I don't -- I hope that there is sufficient language to talk about Metro participation in essentially private projects. Private dollars must be.

And so I think in non-profits and that sort of thing that that doesn't apply here.

We're talking about -- we're talking about private dollars for development purposes.

But I wonder if the language 50% of projects costing more than \$250,000.

PRESIDENT TANDY: Are you --

COUNCILMAN OWEN: Yes I would amend my amendment in that way.

WILLIAM WARNER: Sir may I suggest that you add that language after the words in an amount over \$250,000. In an amount over -- and that's where I am -- that's where I did propose it.

I'm sorry; sir I missed it.

Yes, strike out \$500,000 is there now but that's where the whole clause would be added.

Okay.

PRESIDENT TANDY: So read that again please.

COUNCILMAN OWEN: So it would read in an amount exceeded the lesser of \$5 million or 50% of projects costing more than \$250,000.

COUNCILWOMAN WARD-PUGH: Second.

That will work.

That works?

Okay.

PRESIDENT TANDY: Okay.

Is there any further discussion on the Owen amendment.

Councilwoman Green?

COUNCILWOMAN GREEN: Thank you, Mr. President.

There was much conversation about where the number 15 came up in terms of small business.

And how we came up with that and what constituted a small business.

I would like to ask the maker of this amendment what your rationale is for the 5 million because this thinking the threshold in my mind around a million.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I think there are several dynamics.

One is some suggestions by representatives of the administration.

That a million dollars would not be acceptable and might provoke a veto would likely provoke a veto. And trying to provide as -- and trying to respond to some of the legitimate concerns that have been provided by colleagues who are much more hesitant on this issue, trying to move us along, moving the needle um, um, not um so I guess it's just part of an effort to get a compromise so we can head on home some time soon.

PRESIDENT TANDY: All right. Councilman Benson.

COUNCILMAN BENSON: Thank you, Mr. President.

Before the amendments that Councilman Owen just proposed, I was wondering if Metro Government pay prevailing wages. you know the electricians and plumbers and all them, do they make prevailing wage? Are all of them union or they are not union they do all get paid prevailing wage.

I think so.

Yeah.

Union scale.

I was understanding they didn't.

We've had some different -- They are definitely not.

No, they are estimates.

Oh --

Is that a question.

Well I mean we can pass a law that sometimes will end up maybe we're not abiding by ourself that we have to ante up some more money. I don't know. And that's maybe a good thing.

COUNCILMAN FLEMING: I just want to call the question.

COUNCILWOMAN BUTLER: Second.

COUNCILMAN HEINER; Object.

PRESIDENT TANDY: Madam Clerk, please open the voting.

CLERK: May I have who seconded?

COUNCILWOMAN BUTLER; I did.

PRESIDENT TANDY: It's to call the question on the Owen amendment.

Voting result: Call the question - Fleming

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: YES
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: NO
KEVIN KRAMER: YES
RICK BLACKWELL: YES
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: NO
JON ACKERSON: YES
HAL HEINER: NO
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: NO
BRENT ACKERSON: YES

CLERK: There are 22 yes votes and four no votes. those voting no Councilman King Councilman Stuckel Councilman Heiner Councilman Hawkins.

PRESIDENT TANDY: The motion to call the question has passed.

We now have the Owen amendment before us.
all in favor please -- All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT TANDY: Any opposed.

No.

PRESIDENT TANDY: Madam Clerk, if you would please open the voting.

This is the vote on the Owen amendment.

Voting Result – Owen Amendment

JUDY GREEN: NO
BARBARA SHANKLIN: NO
MARY WOOLRIDGE: NO
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: NO
GEORGE UNSELD: NO
KEN FLEMING: NO
TOM OWEN: YES
TINA WARD-PUGH: YES
JIM KING: NO

KEVIN KRAMER: NO
RICK BLACKWELL: NO
VICKI WELCH: NO
BOB HENDERSON: YES
MARIANNE BUTLER: NO
KELLY DOWNARD: NO
GLEN STUCKEL: NO
JON ACKERSON: NO
HAL HEINER: NO
STUART BENSON: NO
DAN JOHNSON: NO
ROBIN ENGEL: NO
JAMES PEDEN: NO
MADONNA FLOOD: NO
DOUG HAWKINS: NO
BRENT ACKERSON: NO

COUNCILMAN OWEN: Mr. President it seems to be like a short lived moment of fame.
Maybe I won't go down in history after all.

CLERK: There are four yes votes and 22 no votes. those voting yes Councilman Tandy Councilman Owen
Councilwoman Ward-Pugh Councilman Henderson.
Come on, colleagues, pull out some.

PRESIDENT TANDY: The Owen amendment fails.
We now have the amended version of the ordinance before us.
Is there any further new discussion on the amended version?

COUNCILMAN HEINER: Mr. President, thank you.
Councilman Stuckel and I for the last I don't know three or four years have been saving up CIF or whatever
dollars we could get our hands on to build a quiet zone that borders our two Districts and the cost of that turns
out it's about \$550,000 in dealing with the railroad we couldn't get them to contribute at all.
So it's a 100% Metro paid construction project and we wrote the check to the railroad.
They still haven't built it but they have the money.

I'm wondering I guess from the County Attorney in the description of tax subsidized project become it would be
built and owned by the railroad and it was a direct payment from Metro, would that be then that the railroad
would have to come in and show compliance with this ordinance in order to build the crossing gates?

WILLIAM WARNER: If the NDF project as the ordinance now stands is over \$500,000, it would.

It's about 550.

\$550,000.

Yes.

WILLIAM WARNER: And how much money have we got in it?

COUNCILMAN HEINER: 550,000.

We have 550,000.

Yeah, we tried to get them --

WILLIAM WARNER: Well then I think it would be covered, yes.

I don't know if anybody else is working on a quiet zone but they are expensive.

And we had difficulty we probably worked for about six months to work through the legal agreement which you
think would be pretty easy we basically give them the money they are building it they own it but it took about six
months to get through the legal agreement and I think this been in place today I don't think they would do it.

I mean anything we propose to them basically it's their way or maybe not the highway maybe the railroad.

I don't know. They are difficult to deal with.

So I don't know if anybody else is thinking about a quiet zone but if you pass this tonight, I think you're dead.

On that project at least.

I don't know if there are other projects.
But that's one example I can think of that would be in trouble if you passed this.

WILLIAM WARNER: Mr. President may I amend my earlier statement Section 2 of the ordinance as it stands now on Page 13 has a provision in there that was adopted in committee which states this ordinance shall pertain to construction project agreements established after its effective date.

Therefore any agreement which is in place as of the date of enactment of the ordinance would not be affected by the passage of this ordinance.

COUNCILMAN HEINER: I thank Mr. Warner for that but I was really addressing future projects.

WILLIAM O'BRIEN: This is a little bit off topic I hope you all don't mind has this quiet zone already been approved by the national transportation.

Yes.

Because I hadn't seen anything come across our desk on that yet.

Done.

Thank you.

COUNCILMAN HENIER: It went through the state approval.

COUNCILMAN FLEMING: I would like to call the question.

PRESIDENT TANDY: Any objection?

Seeing none, question has been called we now have the amended committee version of the ordinance before us.

Madam Clerk, please open the voting.

CLERK: This is on the ordinance, correct.

PRESIDENT TANDY: That's correct.

PRESIDENT TANDY: It's on the ordinance.

CLERK: All right.

Voting Result – Item 36

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: NO

JIM KING: YES

KEVIN KRAMER: NO

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: NO

GLEN STUCKEL: NO

JON ACKERSON: NO

HAL HEINER: NO

STUART BENSON: NO

DAN JOHNSON: YES

ROBIN ENGEL: NO

JAMES PEDEN: NO

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: YES

THE CLERK: **There are 16 yes votes and ten no votes. The no votes are from Councilman Fleming Councilwoman Ward-Pugh Councilman Kramer Councilman Downard Councilman Stuckel Councilman Jon Ackerson Councilman Heiner Councilman Benson Councilman Engel Councilman Peden.**

PRESIDENT TANDY: **The ordinance as amended passes.**

NEW BUSINESS:

PRESIDENT TANDY: The next item of business is new business. New business consists of items number 37 through 66. Madam Clerk, a reading of those items and their assignments to their respective committees.

37- R-72-04-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT - TETRA TECH, INC. - \$100,000.00.

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Vicki Aubrey Welch

38- R-73-04-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT - (LIFE ON THE WATER, INC. D/B/A CENTER FOR DIGITAL STORYTELLING - \$15,099.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

39- R-76-05-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (AMERICANA COMMUNITY CENTER, INC. - \$21,600.00).

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Dan Johnson

40- R -77-05-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT – LUCKETT & FARLEY ARCHITECTS, ENGINEERS AND CONSTRUCTION MANAGERS, INC. - \$200,000.00.

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Robert Henderson

41- R-82-05-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING

NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – JOHN L. CARMAN & ASSOCIATES, INC., D/B/A CARMAN - \$50,000.00.

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Robert Henderson

42- R-83-05-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – SABAK, WILSON & LINGO, INC. - \$50,000.00.

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Marianne Butler

43- R-84-05-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – PRESNELL ASSOCIATES, INC. D/B/A QK4 - \$50,000.00

Status: On Council Agenda - New Business
Committee: Contracts and Appointments
Primary Sponsor: Robert Henderson

44- O-72-05-09 AN ORDINANCE AMENDING ORDINANCE NO. 111, SERIES 2008 AND ORDINANCE NO. 112, SERIES 2008 RELATING TO THE FISCAL YEAR 2008-09 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$13,000 FROM THE DISTRICT 6 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 6 NEIGHBORHOOD DEVELOPMENT FUND.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: George Unseld

45- O-75-05-09 AN ORDINANCE AMENDING ORDINANCE NO. 112, SERIES 2008, RELATING TO THE FISCAL YEAR 2008-09 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING FUNDS FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 4) TO THE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 4).

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: David Tandy

46- O-70-05-09 AN ORDINANCE AMENDING ORDINANCE NO. 112 SERIES 2006, RELATING TO THE CAPITAL BUDGET FOR FISCAL YEAR 2006-07, FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$22,701.90 OF CAPITAL CUMULATIVE RESERVE FUNDS BETWEEN CAPITAL PROJECTS IN DISTRICT 26.

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Brent Ackerson

47- O-76-05-09 AN ORDINANCE AMENDING ORDINANCE NO. 111, SERIES 2008 AND ORDINANCE NO. 112, SERIES 2008 RELATING TO THE FISCAL YEAR 2008-09 CAPITAL AND OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING \$10,000 FROM THE DISTRICT 13 CAPITAL INFRASTRUCTURE FUND TO THE DISTRICT 13 NEIGHBORHOOD DEVELOPMENT FUND.

Status: On Council Agenda - New Business

Committee: Budget

Primary Sponsor: Vicki Aubrey Welch

48- R-74-05-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO A SUPPLEMENTAL AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING THE PROVISION OF ADDITIONAL FUNDS BY THE COMMONWEALTH FOR ROAD RESURFACING FROM THE RURAL AND MUNICIPAL AID BOND FUND.

Status: On Council Agenda - New Business

Committee: Transportation/Public Works

Primary Sponsor: Robert Henderson

49- O-71-05-09 AN ORDINANCE APPROPRIATING \$6,200 FROM DISTRICT 24 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE OKOLONA FIRE PROTECTION DISTRICT FOR SIGNAGE.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Madonna Flood

50- O-73-05-09 AN ORDINANCE APPROPRIATING \$7,140 FROM THE DISTRICT 7 NEIGHBORHOOD DEVELOPMENT FUND TO THE LOUISVILLE METRO POLICE DEPARTMENT TO FUND OVERTIME EXPENSES FOR OFFICERS TO PATROL RIVER ROAD AND COX PARK.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Kenneth C. Fleming

51- R-78-05-09 A RESOLUTION RECOGNIZING THE AUTHORITY OF THE JEFFERSON COUNTY SHERIFF TO MAKE APPLICATION FOR AND ENTER INTO AGREEMENTS WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS) FOR PROJECTS TO OBTAIN PROTECTIVE SAFETY VESTS, TASERS, MOBILE DATA COMPUTERS, AND RADIO AND SPECIAL TEAM EQUIPMENT, TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THESE PROJECTS AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THESE PROJECTS.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor: Madonna Flood

52- R-79-05-09 A RESOLUTION AUTHORIZING THE MAYOR'S SIGNATURE ENTERING INTO AN AMENDMENT TO AN AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET CONCERNING A PROJECT FOR DEVELOPMENT AND IMPLEMENTATION OF AN ONGOING EDUCATION, AWARENESS AND PROMOTIONAL PROGRAM FOR BICYCLISTS AND PEDESTRIANS.

Status: On Council Agenda - New Business
Committee: Transportation/Public Works
Primary Sponsor: Tom Owen

53- R-75-05-09 A RESOLUTION DETERMINING THREE (3) VACANT PARCELS OF REAL PROPERTY LOCATED AT 1117, 1123, AND 1125 S. 15th STREET, OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

54- R-80-05-09 A RESOLUTION APPROVING THE GRANTING OF LOCAL INDUCEMENTS TO THE TELAMON CORPORATION PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 24.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Marianne Butler

55- R-81-05-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT REIMBURSEMENT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), IN THE FORM OF EITHER FEDERAL OR STATE FUNDS, RELATED TO THE JANUARY 2009 ICE STORM.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor: Jim King

56- O-78-05-09 AN ORDINANCE CLOSING AN UNNAMED ALLEY BEGINNING 47.10 FEET FROM ITS WESTERN INTERSECTION WITH BUCHANAN STREET, 235.75 FEET NORTH OF THE INTERSECTION OF STORY AVENUE AND BUCHANAN STREET, AND RUNNING 403.51 FEET WEST, AND CLOSING JOHNSON STREET FROM ITS INTERSECTION WITH SAID ALLEY, RUNNING 124.84 FEET NORTHEASTERLY TO THE SOUTHWEST CORNER OF JOHNSON AND WASHINGTON STREETS, CONTAINING 10,489 SQUARE FEET AND BEING IN LOUISVILLE METRO (CASE NO. 10439).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

57- O-79-05-09 AN ORDINANCE CHANGING THE ZONING FROM OR-3 OFFICE-RESIDENTIAL TO C-1 COMMERCIAL ON PROPERTY LOCATED AT 7290 MANSLICK ROAD, CONTAINING A TOTAL OF 0.43 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11955).

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

58- O-80-05-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO OR OFFICE-RESIDENTIAL ON PROPERTY LOCATED AT 7327 SOUTHSIDE DRIVE, CONTAINING A TOTAL OF 0.39 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 9891).

Status: On Council Agenda - New Business

Committee: Planning/Zoning, Land Design & Development

Primary Sponsor: Tom Owen

59- R-85-05-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – HDR ENGINEERING, INC. - \$50,000.00.

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: Marianne Butler

60- R-86-05-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW PROFESSIONAL SERVICE CONTRACT – M2D DESIGN GROUP, PLLC - \$50,000.00.

Status: On Council Agenda - New Business

Committee: Contracts and Appointments

Primary Sponsor: Marianne Butler

61- O-81-05-09 AN ORDINANCE APPROPRIATING A TOTAL OF \$6,500 FROM NEIGHBORHOOD DEVELOPMENT FUNDS IN THE FOLLOWING MANNER: \$1,500 FROM DISTRICTS 12 AND 13, \$1,000 FROM DISTRICT 24, AND \$500 FROM DISTRICTS 2, 3, 4, 9, AND 15, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR THE PURCHASE OF LAPTOP COMPUTERS FOR THE WESTPORT AND SOUTH PARK TAPP SCHOOLS.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor: Barbara Shanklin

Primary Sponsor: David Tandy

Primary Sponsor: Madonna Flood

Primary Sponsor: Marianne Butler
Primary Sponsor: Mary C. Woolridge
Primary Sponsor: Rick Blackwell
Primary Sponsor: Tina Ward-Pugh
Primary Sponsor: Vicki Aubrey Welch

62- O-83-05-09 AN ORDINANCE APPROPRIATING \$6825 FROM NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$1750 EACH FROM DISTRICTS 9 AND 5; \$1050 FROM DISTRICT 4; \$525 FROM DISTRICT 3; AND \$350 EACH FROM DISTRICTS 1, 2, 8, 12, AND 15, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE METROPOLITAN HOUSING COALITION TO FUND CONSTITUENT SCHOLARSHIPS FOR THE "RECLAIMING VACANT PROPERTIES" CONFERENCE, JUNE 1 – 3, 2009, AT THE GALT HOUSE HOTEL.

Status: On Council Agenda - New Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Barbara Shanklin
Primary Sponsor: Cheri Bryant Hamilton
Primary Sponsor: David Tandy
Primary Sponsor: Judy Green
Primary Sponsor: Marianne Butler
Primary Sponsor: Mary C. Woolridge
Primary Sponsor: Rick Blackwell
Primary Sponsor: Tina Ward-Pugh
Primary Sponsor: Tom Owen

63- R-87-05-09 A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO") AUTHORIZING THE MAYOR TO FORGIVE CERTAIN LOANS TO ROOSEVELT PARTNERS, LTD., AND TO ASSIGN CERTAIN MORTGAGES HELD BY METRO TO NEW DIRECTIONS HOUSING CORPORATION ("NDHC").

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: David Tandy

64- O-84-05-09 AN ORDINANCE AMENDING APPENDIX G OF CHAPTER 162 OF THE LOUISVILLE METRO CODE OF ORDINANCES, PERTAINING TO OVERLAY DISTRICTS, TO ADOPT REVISED AND UPDATED GUIDELINES FOR THE BARDSTOWN ROAD/BAXTER AVENUE CORRIDOR OVERLAY DISTRICT.

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

65- R-88-05-09 A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY WILLIAM TO BRING A CONDEMNATION SUIT AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD WIDENING PROJECT (PARCEL 53).

Status: On Council Agenda - New Business

Committee: Labor & Economic Development
Primary Sponsor: Madonna Flood

66- R-89-05-09 A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY WILLIAM TO BRING A CONDEMNATION SUIT AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE COOPER CHAPEL ROAD WIDENING PROJECT (PARCEL 54).

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Madonna Flood

ADJOURNMENT:

There being no further business, the **Regular May 14, 2009** Metro Council meeting adjourned without objection at 1:40 AM EDT.

Kathleen J. Herron, Metro Council Clerk

David W. Tandy, Metro Council President